



# FREEDOM OF INFORMATION



Connecticut Freedom of Information Commission • 18 20 Trinity Street, Suite 100 • Hartford, CT 06106  
Toll free (CT only): (866)374-3617 Tel: (860)566-5682 Fax: (860)566-6474 • www.state.ct.us/foi/ • email: foi@po.state.ct.us

Vance Solman,  
Complainant(s)  
against

Notice of Meeting

Docket #FIC 2015-705

Chief, Police Department, City of New Haven; Police  
Department, City of New Haven; and City of New Haven,  
Respondent(s)

June 9, 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, July 13, 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 July 1, 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 July 1, 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 July 1, 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: Attorney Donald F. Meehan  
Attorney Kathleen Foster

FIG# 2015-705/Trans/wrbp/PSP//TCB/2016-06-09

FREEDOM OF INFORMATION COMMISSION  
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

Report of Hearing Officer

Vance Solman,

Complainant

Docket # FIC 2015-705

against

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

Respondents

June 8, 2016

The above-captioned matter was heard as a contested case on January 26, 2016, 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 July 2, 2014, the complainant made a request to the respondents for “any and all police reports, affidavits, warrants and statements” pertaining to the arrest of Vance Eric Solman on September 29, 1997 (PD Case #63423). The request emphasized that it was “also very important that we receive **all photographs, photograph negatives, and logs of photographs and their movements** with this request.” It is found that the complainant renewed his request, in writing, on September 18, 2014, and June 3, 2015. It is further found that in early October 2015, the respondents provided the complainant with a copy of a one-page evidence log that was responsive to his request.
3. It is found that, by letter dated October 15, 2015, the complainant requested copies of “any remaining documents or evidence maintained by [the respondents]” that were not provided to the complainant in response to his request, described in paragraph 2, above.
4. By letter of complaint dated October 21, 2015, 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 paragraphs 2 and 3, above.

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 the records requested by the complainant, to the extent that they exist, are public records and must be disclosed in accordance with §§1-200(5), 1-210(a) and 1-212(a), G.S.

9. It is found that approximately three weeks prior to the January 26, 2016 hearing in this matter, the respondents provided the complainant with some additional records that were responsive to his request, described in paragraphs 2 and 3, above.

10. It is further found that in an attempt to resolve the complaint in this matter, the complainant narrowed his request to include only photographs, logs of photographs and police reports in PD Case #63423 that reference photographs.

11. At the hearing, the respondents testified, and it is found, that they did not begin their search for the photographs and logs of photographs until January 25, 2016, the day before the hearing in this matter. It is found that the respondents searched the respondent Police Department’s records room and property evidence room, and were in the process of checking with the Department’s Bureau of Investigation for such records. It is also found that, at the time of the hearing, the respondents had not located any photographs or logs of photographs that were responsive to the complainant’s request.

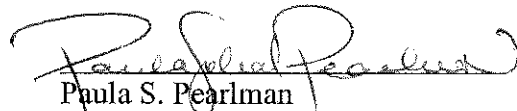
12. The respondents also testified that their ability to fulfill the October 15, 2015 request sooner was affected by holidays, handling of other FOI requests (averaging 10-15 daily), and an extended leave of absence (from December 7, 2015 through January 18, 2016) of the lieutenant

in charge of the respondents' records division. The respondents however did not offer an explanation as to why they did not begin their search for the photographs and logs of photographs until the day before the hearing, nor did they provide any evidence regarding their search for any police reports in PD Case #63423 that reference photographs.

13. It is therefore concluded that the respondents violated the FOI Act by failing to provide the complainant with access to the photographs, logs of photographs, and police reports in PD Case #63423 that reference photographs and that remain at issue in this matter.

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

1. The respondents shall forthwith undertake a search for the photographs, logs of photographs, and police reports in PD Case #63423 that reference photographs, and provide copies of any responsive records to the complainant, free of charge. If the respondents do not locate any responsive records, the respondents shall provide the complainant with an affidavit detailing the results of their search.

  
Paula S. Pearlman  
as Hearing Officer