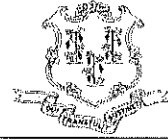


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FREEDOM OF INFORMATION



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James Torlai,
Complainant(s)

against

Commissioner, State of Connecticut,
Department of Emergency Services and Public
Protection, Division of State Police; and State of
Connecticut, Department of Emergency
Services and Public Protection, Division of
State Police,

Respondent(s)

Notice of Rescheduled
Commission Meeting

Docket #FIC 2012-519

May 14, 2013

This will notify you that the Freedom of Information Commission has rescheduled the above-captioned matter, which had been noticed to be heard on Wednesday, May 22, 2013 at 2 p.m.

The Commission will consider the case at its meeting to be held at the Freedom of Information Commission Hearing Room, 18-20 Trinity Street, 1st floor, Hartford, Connecticut, at **2:00 p.m. on Wednesday, June 12, 2013.**

Any brief, memorandum of law or request for additional time, as referenced in the April 30, 2013 Transmittal of Proposed Final Decision, should be received by the Commission on or before May 31, 2013.

By Order of the Freedom of
Information Commission

W. Paradis
Acting Clerk of the Commission

Notice to: James Torlai
Terrence M. O'Neill, AAG

5/14/13/FIC# 2012-519/ReschedTrans/wrbp/KKR/TAH



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James Torlai,
Complainant(s)
against

Notice of Meeting

Docket #FIC 2012-519

Commissioner, State of Connecticut,
Department of Emergency Services and Public
Protection, Division of State Police; and State of
Connecticut, Department of Emergency
Services and Public Protection, Division of
State Police,

Respondent(s)

April 30, 2013

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, May 22, 2013**. 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 May 10, 2013**. 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, the Commission requests that an **original and fourteen (14) copies** be filed **ON OR BEFORE May 10, 2013**. 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 May 10, 2013**, 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: James Torlai
Terrence M. O'Neill, AAG

4/30/13/FIC# 2012-519/Trans/wrbp/KKR/TAH

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FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

Report of Hearing Officer

James Torlai,

Complainant

against

Docket #FIC 2012-519

Commissioner, State of Connecticut,
Department of Emergency Services and
Public Protection; and State of Connecticut,
Department of Emergency Services and
Public Protection, Division of State Police

Respondents

April 17, 2013

The above-captioned matter was heard as a contested case on March 12, 2013, at which time the complainant and the respondents appeared and presented testimony, exhibits and argument on the complaint. For purposes of hearing, this matter was consolidated with Docket #FIC 2012-503, James Torlai v. Commissioner, State of Connecticut, Department of Emergency Services and Public Protection, Division of State Police; and State of Connecticut, Department of Emergency Services and Public Protection, Division of State Police.

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 May 15, 2012, the complainant requested "information related to all DUI arrests made by the State Police Troop L in April of 2012." Specifically, the complainant requested:
 - (a) the name and address of the person arrested;
 - (b) the date, time and place of the arrest and the offense for which the person was arrested;
 - (c) an arrest report, incident report, news release or other similar report of the arrest.
3. It is found that, by letter dated May 24, 2012, the respondents acknowledged the request, described in paragraph 2, above, and informed the complainant that a review would be conducted, and that he would be notified as to the results of such review.

4. It is found that, by letter dated August 22, 2012, the respondents provided certain records responsive to the request, described in paragraph 2, above, and requested payment of \$4.50 for copying costs.

5. It is found that, by letter dated September 4, 2012, the complainant paid the \$4.50 copying fee, and informed the respondents that he believed their August 22, 2012 response was inadequate and in violation of the Freedom of Information (FOI) Act. Specifically, the complainant claimed that certain records existed but were not provided; and that some of the records provided did not comply with the requirements of §1-215, G.S., in that they did not, in certain cases, indicate the place of arrest, and in other cases, did not indicate the charges or identify the individual arrested.

6. By letter dated September 15, 2012, and filed on September 17, 2012, the complainant appealed to this Commission, alleging that the respondents violated the FOI Act by failing to comply with the request for records, described in paragraph 2, above.

7. 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.

8. 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.

9. 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.”

10. It is found that the records responsive to the May 15th request, described in paragraph 2, above, are public records within the meaning of §§1-200(5) and 1-210(a), G.S.

11. It is found that, by letter dated September 24, 2012, the respondents provided the complainant with information he alleged was missing from the two records he cited, in his September 4th letter, as examples of non-compliance with §1-215, G.S. It is found that this information included a printout from the State of Connecticut Judicial Branch website containing criminal/motor vehicle conviction case detail for a particular individual.

12. It is found that, by letter dated October 14, 2012, the complainant informed the respondents that he believed their response, described in paragraph 11, above, continued to be inadequate.

13. It is found that, on March 5, 2013, the respondents provided the complainant with additional records, consisting of Computer Aided Dispatch (CAD) notes, which were not previously provided to him. It is found that such records are responsive to the request, described in paragraph 2, above.

14. At the hearing in this matter, the respondents argued that the Commission lacks jurisdiction over the complaint, described in paragraph 6, above, because the complainant failed to file such complaint in a timely manner.

15. Section 1-206(b)(1) provides, in relevant part, that:

Any person denied the right to inspect or copy records under section 1-210...may appeal therefrom to the Freedom of Information Commission, by filing a notice of appeal with said commission. A notice of appeal shall be filed not later than thirty days after such denial...For purposes of this subsection, such notice of appeal shall be deemed to be filed on the date it is received by said commission or on the date it is postmarked, if received more than thirty days after the date of the denial from which such appeal is taken.

16. According to the respondents, the complaint should have been filed on or before June 15, 2012, and, because it was not filed until September 17, 2012, such complaint is untimely.

17. However, it is found that the *denial* of the request occurred on August 22, 2012. Accordingly, it is found that the complaint was filed within 30 days of *the denial*, as required by the statute.

18. It is therefore concluded that the Commission has jurisdiction over the complaint.

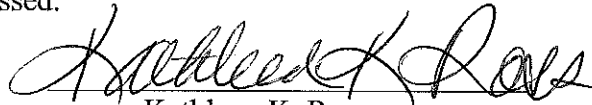
19. At the hearing in this matter, the respondents conceded that some of the records initially provided to the complainant in response to the request, described in paragraph 2, above, did not conform to the requirements of §1-215, G.S.¹

20. However, it is also found that, as a result of this and other complaints filed with this Commission, as well as numerous requests the complainant has made to the respondents for conviction information, the respondents have developed a protocol to govern the processing of freedom of information act requests, in an effort to make their responses timely and in compliance with §1-215, G.S. The Commission commends the respondents for their efforts.

21. Under the facts and circumstances of this case, it is found that the respondents did not violate the FOI Act 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 hereby dismissed.



Kathleen K. Ross
as Hearing Officer

FIC 2012-503/hor/kkr/04172013

¹ Section 1-215, G.S. generally, requires disclosure of any “record of arrest” from the time of arrest. “Record of arrest” is defined as (1) the name and address of the person arrested, the date, time and place of arrest, and the offense for which the person was arrested, and (2) at least one of the following, designated by the law enforcement agency: the arrest report, incident report, news release or other similar report of the arrest of a person.