

Since 1975



# 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

Robert Cushman,  
Complainant(s)  
against

Notice of Meeting

Docket #FIC 2013-461

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

Respondent(s)

April 2, 2014

### 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, April 23, 2014**. 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 April 11, 2014**. 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 April 11, 2014**. **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 April 11, 2014**, 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: Robert Cushman  
James W. Caley, Esq.

4/2/14/FIC# 2013-461/Trans/wrbp/CAL/TCB

FREEDOM OF INFORMATION COMMISSION  
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

Report of Hearing Officer

Robert Cushman,

Complainant

against

Docket #FIC 2013-461

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

Respondents

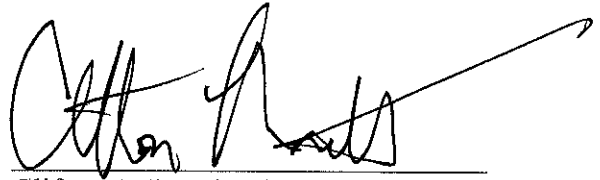
March 26, 2014

The above-captioned matter was heard as contested case on February 24, 2014 and March 25, 2014, at which times the complainant and the respondents appeared and presented testimony and argument on the complaint. At the February 24, 2014 hearing, respondents delivered the Motor Vehicle Recording for a given arrest to the complainant, and it was determined that the only contested matter remaining in the case was the video at the barracks at the time of a given booking. At the March 25, 2014 hearing, the respondents presented three witnesses concerning the "barracks video" or "booking video", including attorney Antoinette M. Webster, Trooper Orlando C. Mo, the Evidence Officer at Troop A in Southbury, and Michael L. Mebane, Lead Electronic Technician at the respondent Department. Ten documents were submitted in evidence and the complainant conducted a substantial cross examination of all three witnesses.

Prior to closing arguments at the March 25, 2014 hearing, the complainant stated that he wished to withdraw his complaint.

The following orders by the Commission are hereby recommended on the basis of the record:

1. Based on the withdrawal of the complaint, the case is hereby dismissed.
2. The Commission commends both parties on the conduct of a highly professional inquiry concerning records produced by new recording procedures at the respondent Department and also on having reached a settlement without full adjudication.

A handwritten signature in black ink, appearing to read 'Clifton A. Leonhardt', written over a horizontal line. The signature is stylized and includes a long, sweeping stroke that extends to the right.

Clifton A. Leonhardt  
as Hearing Officer

FIC2013-461/HOR/CAL/03262014