

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In The Matter of a Complaint by

FINAL DECISION

Tyronne Pierce,

Complainant

against

Docket #FIC 2016-0517

Chief, Police Department, City of
Hartford; Police Department, City
of Hartford; City of Hartford; Commissioner,
State of Connecticut, Department of
Correction; and State of Connecticut,
Department of Correction,

Respondents

May 24, 2017

The above-captioned matter was heard as a contested case on February 23, 2017, at which time the complainant and the respondents appeared, stipulated to certain facts and presented testimony, exhibits and argument on the complaint.

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 June 27, 2016, the complainant requested the following of the respondent Chief of the Hartford Police Department:
 - a) "Detective Sheldon's report notifying his supervisor of the incident of 'neglect of duty, unbecoming an officer and violation of code of conduct' by Officer Kent Lee for not taking any official action not submitting an incident report of the July 10, 2004 Robbery/Home Invasion of Annie Pierce;

- b) the notarization from the supervisor report to this incident according to Hartford Police Policy and Procedure 1-16 and 1-16A, case incident and Data Supplements;
- c) Detective Michael Sheldon report agency no 07-35778; as well as solvability factors section report;
- d) intradepartmental memorandum from Detective Sheldon – report agency no. 07-35778;
- e) Detective Sheldon’s report notifying his supervisor for the code of conduct violation and neglect of duty and dereliction of duty by these Dudley, Mass., officers who had a full confession from Krista Campos and intentionally failed to notify Hartford Police Department of these confession. Sgt Dean Poplawski and Officer David Carpenter, Dudley Mass. P.D. Officer;
- f) notarization from supervisor report and the intradepartmental memorandum for agency no 07-35778 Policy and procedure 1-16 and 1-16A as well as solvability factor section report.
- g) Detective Michael Sheldon’s report notifying his supervisor for the code of conduct violation neglect of duty and dereliction of Duty by Putnam Police officer Sgt. Glenn Guay;
- h) the notarization from supervisor report and the intradepartmental memorandum for policy and procedure 1-16 and 1-16A and case incident and data supplement agency no. 07-35778 and solvability factor section report;
- i) Detective Michael Sheldon report notifying his supervisor for the code of conduct violation, neglect of duty and dereliction of duty of Connecticut State Troopers Jeffery Payette and Sgt. Szamocki;
- j) the notarization from supervisor report, the intradepartmental memorandum solvability factor section case incident and data supplement for Police and Procedure 1-16 and 1-16A for agency no 07-35778.”

3. By letter dated July 12, 2016, the complainant appealed to this Commission alleging that the respondent Police Department had violated the Freedom of Information (“FOI”) Act by failing to comply with his records request.

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 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, (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. 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."

7. It is concluded that the requested records, to the extent they exist, are public records within the meaning of §§1-200(5), 1-210(a), and 1-212(a), G.S.

8. It is found that, by letter dated August 3, 2016, the respondents provided the complainant with copies of the records responsive to his request that are maintained by the respondent police department.

9. Notwithstanding the complainant's contention that certain reports should have been created and maintained by the respondent police department, it is found that the respondent police department has provided the complainant with all responsive records that are maintained by the respondent police department and that no other records exist.

10. It is concluded that neither the respondent Chief nor the respondent Police Department violated the disclosure provisions of §§1-210(a) and 1-212(a), G.S.

11. In addition, it is found that the involvement of the respondent Commissioner, State of Connecticut, Department of Correction and the respondent State of Connecticut, Department of Correction in this case was limited to reviewing the records submitted by the respondent police department pursuant to §1-210(b)(18), G.S., and then the provision

of those records to the complainant.¹ It is found that the respondent Commissioner, State of Connecticut, Department of Correction and the respondent State of Connecticut, Department of Correction did not withhold any of the requested records from the complainant. At the hearing on this matter, the complainant stated that his complaint was not against the respondent Commissioner, State of Connecticut, Department of Correction or the respondent State of Connecticut, Department of Correction, but only against the respondent Chief.

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.

Approved by Order of the Freedom of Information Commission at its regular meeting of May 24, 2017.



Cynthia A. Cannata
Acting Clerk of the Commission

¹ Section 1-210(18)(c), G.S., provides that “Whenever a public agency receives a request from any person confined in a correctional institution or facility ... for disclosure of any public record under the Freedom of Information Act, the public agency shall promptly notify the Commissioner of Correction ...of such request, in the manner prescribed by the commissioner, before complying with the request as required by the Freedom of Information Act. If the commissioner believes the requested record is exempt from disclosure pursuant to subdivision (18) of subsection (b) of this section, the commissioner may withhold such record from such person when the record is delivered to the person's correctional institution . . .

PURSUANT TO SECTION 4-180(c), G.S., THE FOLLOWING ARE THE NAMES OF EACH PARTY AND THE MOST RECENT MAILING ADDRESS, PROVIDED TO THE FREEDOM OF INFORMATION COMMISSION, OF THE PARTIES OR THEIR AUTHORIZED REPRESENTATIVE.

THE PARTIES TO THIS CONTESTED CASE ARE:

Tyronne Pierce #176388
Osborn Correctional Institution
P.O. Box 100
Somers, CT 06071

Chief, Police Department, City of Hartford; Police Department,
City of Hartford; City of Hartford;
c/o Cynthia Lauture, Esq.
Office of the Corporation Counsel
550 Main Street
Hartford, CT 06103

Commissioner, State of Connecticut, Department of Correction;
and State of Connecticut, Department of Correction
c/o James Neil, Esq.
24 Wolcott Hill Road
Wethersfield, CT 06109



Cynthia A. Cannata
Acting Clerk of the Commission