

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

Donald Raynor,

Complainant

against

Docket #FIC 2016-0748

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

Respondents

June 28, 2017

The above-captioned matter was heard as a contested case on June 7, 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. By letter of complaint filed July 7, 2016, the complainant appealed to the Commission, alleging that the Hartford Police Department respondents violated the Freedom of Information (“FOI”) Act by failing to comply with his June 23, 2016 request to review or copy certain public records.
3. It is found that the complainant made a June 23, 2016 request to the respondent Hartford Police Department for copies of all records pertaining to the investigation, prosecution, and conviction of the complainant.

4. It is found that the requested records were delivered to the State's Attorney's office in connection with the prosecution of the complainant, and have not been returned to the Hartford Police Department.

5. It is found that the Hartford Police Department requested that the State's Attorney's office return the records, and that the State's Attorney's Office declined to do so.

6. Section 1-200(5), G.S., defines "public records" as follows:

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, ... whether such data or information be handwritten, typed, tape-recorded, printed, photostated, photographed or recorded by any other method.

7. 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.

8. 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."

9. It is found that the requested records are public records within the meaning of §§1-200(5), 1-210(a), and 1-212(a), G.S.

10. It is also found, however, that the Hartford Police Department no longer has custody of the records, and is unable to secure their return from the State's Attorney's Office.

11. It is therefore concluded that the Hartford respondents did not violate the FOI Act as alleged.

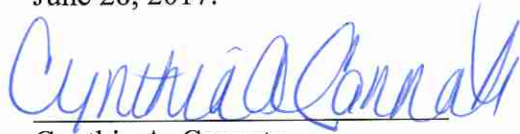
12. It is also found that no records were delivered to the respondent Department of Correction by the Hartford Police Department, and that therefore the respondent Department had no role in the complainant's inability to obtain copies of the requested records.

13. It is therefore concluded that the Department of Correction respondents did not violate the FOI Act.

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.

Approved by Order of the Freedom of Information Commission at its regular meeting of June 28, 2017.



Cynthia A. Cannata
Acting Clerk of the Commission

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:

Donald Raynor #325071
Garner Correctional Institution
50 Nunnawauk Road
Newtown, CT 06470

Chief, Police Department, City of Hartford;
Police Department, City of Hartford;
c/o Cynthia Lauture, Esq.
Office of the Corporation Counsel
City Hall, Room 210
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