

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

Edward Peruta,

Complainant

against

Docket #FIC 2016-0613

James Rovella, Chief, Police Department,
City of Hartford; Police Department,
City of Hartford; and City of Hartford,

Respondents

August 9, 2017

The above-captioned matter was heard as a contested case on July 11, 2017, at which time the complainant and the respondents appeared 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 email dated August 26, 2016, the complainant requested “prompt access during normal business hours ... to inspect the following public records:

[a] all Hartford Police Department photographs of individual Hartford police officers who were present at a homicide on Park Street on the night of September 12, 2014, together with all photographs of Hartford police officers who were present at a homicide at 38 Kelsey Street on the night of August 7, 2015; [and]

[b] photographs of all Hartford police officers assigned to the department's ‘shooting task force’ who responded to or were at the scene of a homicide in [sic] 38 Kelsey Street in the city of Hartford 8:30 pm [sic] and 10:15 pm on the night of August 7, 2015.

3. It is found that, by email dated August 26, 2016, at 1:26 pm, the respondents acknowledged the request, described in paragraph 2, above, and informed the complainant, in relevant part, that “[t]he Hartford Police Department will make a concerted effort to provide said records within a reasonable time frame, but all requests are processed in the order that they

are received. Once we have identified the documents you requested, to the extent they exist, you will be notified.”

4. By email dated and filed August 26, 2016, at 1:52 pm, the complainant appealed to this Commission, alleging that the respondents violated the Freedom of Information (“FOI”) Act by “treating requests for prompt access to inspect public records and requests for copies of public records in the same manner,” when “the Connecticut General Statutes and past FOIC decisions regarding prompt access to inspect public records mandate that the two types of requests be handled differently.” The complainant requested the imposition of the maximum civil penalty against the police chief.

5. Section 1-210(a), G.S., provides in relevant part that:

[e]xcept 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 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 found that the statutes cited in paragraphs 5 and 6, above, provide a requestor with the right to promptly inspect public records, and the right to promptly receive a copy of public records. It is found that nothing in the FOI Act requires a public agency to respond to requests to inspect public records *more* promptly than requests for copies.

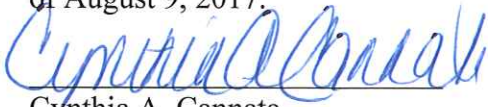
8. Accordingly, it is concluded that the respondents did not violate the FOI Act as alleged in the complaint.

9. Based upon the foregoing conclusion, the complainant’s request for the imposition of a civil penalty need not be addressed.

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 August 9, 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:

EDWARD PERUTA, 15 Burlington Road, Harwinton, CT 06791

**JAMES ROVELLA, CHIEF, POLICE DEPARTMENT, CITY OF HARTFORD;
POLICE DEPARTMENT, CITY OF HARTFORD; AND CITY OF HARTFORD, c/o
Attorney Cynthia Lauture, 550 Main Street, Suite 210, Hartford, CT 06103**



Cynthia A. Cannata
Acting Clerk of the Commission