FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by FINAL DECISION

Ahmaad Lane,

Complainant

against Docket #FIC 2017-0747

Chief, Police Department, City of Hartford, and Police Department, City of Hartford,

Respondents June 27, 2018

The above-captioned matter was heard as a contested case on February 26, 2018, at which time the complainant and the respondents appeared 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, 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 November 22, 2017, the complainant requested from the respondents a report regarding the handling of a photo array which the complainant believed was compiled in 2002 by a Hartford Police Department detective and sergeant.

3. It is found that the respondents did not receive the request, described in paragraph 2, above, at the time it was made, because the complainant used the incorrect zip code when he addressed the envelope containing the request to the respondent police department.

4. By letter dated November 27, 2017, and filed with the Commission on December 18, 2017, the complainant appealed to this Commission, alleging that the respondents violated the Freedom of Information ("FOI") Act by failing to comply with the request, described in paragraph 2, above.

5. Section 1-200(5), G.S., provides:

> "[p]ublic 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 1-218, whether such data or information be handwritten, typed, tape-recorded, printed, photostated, photographed or recorded by any other method.

6. 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…(3) receive a copy of such records in accordance with section 1-212.

7. 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."

8. It is found that the respondents became aware of the request, described in paragraph 2, above, when they received a copy of the complaint, with the request attached, from the Commission. Upon receipt of the request, the respondents conducted a thorough search, which included a review of an electronic database, as well as a search through physical, archived records. It is found that such search revealed no responsive records. It is found that the records retention requirement for records of the type requested by the complainant is 10 years.

9. It is found that the respondents do not maintain the records requested by the complainant.

10. Accordingly, it is concluded that the respondents did not violate the FOI Act, as alleged by the complainant.

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 27, 2018.

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:

AHMAAD LANE, #220753, MacDougall-Walker Correctional Institution, 1153 East Street South, Suffield, CT 06080

CHIEF, POLICE DEPARTMENT, CITY OF HARTFORD; **POLICE DEPARTMENT, CITY OF HARTFORD; AND CITY OF HARTFORD**, c/o Attorney Cynthia Lauture, City of Hartford, Office of the Corporation Counsel, 550 Main Street, Hartford, CT 06103

Cynthia A. Cannata
Acting Clerk of the Commission

FIC 2017-0747/FD/CAC/6/27/2018