

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

Anthony Torres,

Complainant

against

Docket #FIC 2017-0355

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

Respondents

March 14, 2018

The above-captioned matter was heard as a contested case on November 9, 2017, at which time the complainant and the respondents appeared. 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.).

The hearing officer granted the respondent Department of Correction's motion to dismiss because the Department has not received and so does not maintain any records related to the complainant's request. The caption has been amended accordingly.

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)(A), G.S.
2. It is found that, on May 22, 2017, the complainant requested copies of records from the Hartford Police Department.
3. By letter filed June 20, 2017, the complainant appealed to this Commission, alleging that the respondents violated the Freedom of Information ("FOI") Act by failing to provide him with the requested records.
4. 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.

5. 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, ... 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: "Any 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 records requested by the complainant are public records within the meaning of §§1-200(5), 1-210(a), and 1-212(a), G.S.

8. It is found that the complainant neglected to include the street number on the letter of request that he sent to the respondents. It is found that the respondents never received the complainant's request.

9. It is found, based on the particular circumstances of this case as described in paragraph 8, above, that when the complainant filed his appeal on June 20, 2017, the respondents had not violated the FOI Act because they had not received the complainant's request for records.

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

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 against all respondents.

Approved by Order of the Freedom of Information Commission at its regular meeting of March 14, 2018.



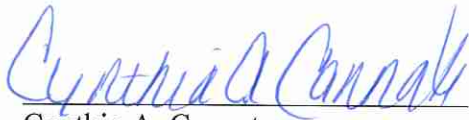
Cynthia A. Cannata
Acting Clerk of the Commission

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:

ANTHONY TORRES, #246027, Corrigan-Radgowski Correctional Institution, 986 Norwich-New London Tpke, Uncasville, CT 06382

CHIEF, POLICE DEPARTMENT, CITY OF HARTFORD; POLICE DEPARTMENT, CITY OF HARTFORD; AND CITY OF HARTFORD, c/o Attorney Cynthia Lauture, Office of the Corporation Counsel, 550 Main Street, Suite 210, Hartford, CT 06103



Cynthia A. Cannata
Acting Clerk of the Commission