

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

Michael Baptiste,

Complainant

against

Docket #FIC 2017-0703

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

Respondents

November 14, 2018

The above-captioned matter was heard as a contested case on February 21, 2018, at which time the complainant and the respondents appeared and presented testimony, exhibits and argument on the complaint.

For purposes of hearing, the above-captioned matter was consolidated with Docket #FIC 2017-0702; Yvonne Perkins v. Chief, Police Department, City of Danbury; Police Department, City of Danbury; and City of Danbury.

On July 25, 2018, the Hearing Officer issued a Proposed Final Decision. Subsequently, at its regular meeting of August 22, 2018, the Commissioners unanimously voted to remand the matter to the Hearing Officer for further review.

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 October 19, 2017, the complainant made a request to the respondents for copies of the following:

All emails containing the KEYWORD:
Michael Baptiste
Moore Bail Bonds
Bail Bonds

("October 19th request").

3. It is found that, by letter dated October 25, 2017, the respondents, through their attorney, requested that the complainant narrow his October 19th request with “less expansive keywords limited to a defined, reasonable timeframe.” They informed the complainant that his October 19th request, as submitted, “requires an impossibly long and labor intensive project in that it is overbroad and unlimited in scope and covers an infinite time frame. It requires the Department to locate, print out, conduct an exemption review and determination and create an exemption index. That search, review and indexing of every document containing the words ‘Bail Bonds’ in police and municipal computers for an infinite time period would require dedicated technology, personnel and monetary resources beyond what the Danbury Police Department can staff.”

4. It is found that, as of the time of the hearing in this matter, the complainant had not narrowed his October 19th request, as requested by the respondents in their October 25, 2017 letter, described in paragraph 3, above.

5. By email received and filed on November 21, 2017, the complainant appealed to this Commission, alleging that the respondents violated the Freedom of Information (“FOI”) Act by denying him access to the records requested in the complainant’s October 19th request, described in paragraph 2, above.

6. 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 section 1-218, 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 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.

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

10. It is found that upon receiving the October 19th request, the respondent Police Department determined that the request was “complicated” and “involved lots of different material” to which they did not have access, and immediately forwarded such request to the respondents’ corporation counsel for review.

11. It is found that, by letters dated January 18, 2018, and January 30, 2018, respectively, the respondents provided the complainant with over 900 pages of documents in response to his October 19th request. It is found that the respondents, at the request of the State Attorney’s Office, initially withheld certain records that they claimed related to an ongoing investigation and pending prosecution, and were therefore exempt from disclosure. It is further found, however, that such withheld records were subsequently provided to the complainant.

12. At the hearing, the complainant acknowledged that the respondents provided him with the records described in paragraph 11, above, but contended that many of those documents were duplicates and/or not responsive to his October 19th request.

13. At the hearing, the respondents contended that they made a good faith effort to comply with the complainant’s October 19th request. Attorney Dianne Rosemark, who is responsible for handling FOI matters for the City of Danbury, testified that since the complainant had not contacted the respondents and narrowed his October 19th request, she proceeded to process such request utilizing the search terms “Michael Baptiste” and “Moore Bail Bonds,” without a beginning date, and extending the search months beyond the October 19, 2017 date. She testified that the search yielded an “enormous” amount of information, which she and outside counsel proceeded to review to determine whether it was responsive to the complainant’s October 19th request, and whether any records were exempt from disclosure.

14. It is found that the respondents made a good faith effort to locate and retrieve records that are responsive to the complainant’s October 19th request, and that the complainant was provided access to those records.

15. Under the facts and circumstances of this case, it is concluded that the respondents did not violate the FOI Act as alleged in the complaint.

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 November 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:

MICHAEL BAPTISTE, 4 Moss Avenue, Danbury, CT 06810

CHIEF, POLICE DEPARTMENT, CITY OF DANBURY; POLICE DEPARTMENT, CITY OF DANBURY; AND CITY OF DANBURY, c/o Attorney D. Randall DiBella, Cramer and Anderson, 51 Main Street, New Milford, CT 06776



Cynthia A. Cannata
Acting Clerk of the Commission