

FREEDOM OF INFORMATION COMMISSION  
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

Ahmaad Lane,

Complainant

against

Docket #FIC 2018-0146

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

Respondents

October 10, 2018

The above-captioned matter was heard as a contested case on May 25, 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 February 28, 2018, the complainant requested from the respondents a report regarding chain of custody of a photo array which photo array the complainant believed was compiled in 2002 by the Hartford Police Department, and then sent to the respondent police department.
3. It is found that, by letter dated March 13, 2018, the respondents acknowledged the request, described in paragraph 2, above, and informed the complainant that they would conduct a search for responsive records.
4. By letter dated March 14, 2018, and filed with the Commission on March 22, 2018, 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. Sergeant Monihan, who is the records and property supervisor of the respondent police department, testified at the hearing in this matter that, upon receipt of the request, he located the complainant’s criminal case file, and learned that an investigator with the Waterbury State’s Attorney signed out the photo array from the file in 2005. Sgt. Monihan then contacted the investigator in an effort to determine whether he could obtain a copy of the photo array. However, the investigator informed Sgt. Monihan that the photo array had been entered into evidence as an exhibit in the complainant’s criminal trial, and was no longer maintained by the state’s attorney’s office.

9. It is found that the respondents conducted a thorough search for any records that would be responsive to the complainant’s request, and determined that no such records are maintained or kept on file by the respondent police department. It is found that, by letter dated May 11, 2018, the respondents informed the complainant that they maintain no responsive records.

10. It is found that the respondents do not maintain a report regarding the chain of custody of the photo array, or the photo array itself.

11. 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 October 10, 2018.



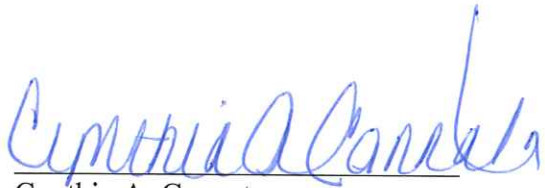
Cynthia A. Cannata  
Acting Clerk of the Commission

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:

**BRIAN SMITH, #328970**, Willard-Cybulski Correctional Institution, 391 Shaker Road, Enfield, CT 06082

**CHIEF, POLICE DEPARTMENT, TOWN OF ENFIELD; POLICE DEPARTMENT, TOWN OF ENFIELD**, 293 Elm Street, Enfield, CT 06082; **AND TOWN OF ENFIELD**, 820 Enfield Street, Enfield, CT 06082



Cynthia A. Cannata  
Acting Clerk of the Commission