

FREEDOM OF INFORMATION COMMISSION  
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

Carlton Bryan,

Complainant

against

Docket #FIC 2018-0639

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

Respondents

August 28, 2019

The above-captioned matter was heard as a contested case on February 6, 2019, at which time the complainant and the respondents appeared, stipulated to certain facts, 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 et al, 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. By letter of complaint filed November 9, 2018, the complainant appealed to the Commission, alleging that the respondents denied his request for public records.
3. It is found that the complainant made an October 29, 2018 request for surveillance video from April 29, 2013, and for the respondents' 2013 policy and procedure for interviewing witnesses and taking witness statements.
4. Section 1-200(5), G.S., provides:

“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, 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.

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 the provisions of 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 found that the respondents did not in 2013, and still do not currently, have a written policy regarding interviewing witnesses (although they have a written policy regarding interviewing suspects, which the respondents agreed to provide to the complainant). It is also found that the requested video was disposed of under the applicable retention schedule.

8. It is therefore 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 complainant is dismissed.

Approved by Order of the Freedom of Information Commission at its regular meeting of August 28, 2019.



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:

**CARLTON BRYAN, #381584**, Cheshire Correctional Institution, 900 Highland Avenue, Cheshire, CT 06410

**DAVID ROSADO, 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