

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In The Matter of a Complaint by

FINAL DECISION

William Rousseau,

Complainant

against

Docket #FIC 2018-0379

Police Commission, Town of
Windsor Locks; and Board of
Selectmen, Town of Windsor
Locks,

Respondents

May 8, 2019

The above-captioned matter was heard as a contested case on January 7, 2019, at which time the complainant and the respondents appeared, presented testimony, exhibits and argument on the complaint.

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 email dated May 29, 2018, to the personal email account of R. Rachele who, at the time of the request, was both a Selectman for the Town of Windsor Locks and a member of the Windsor Locks Police Commission, the complainant made a request for the following:

“A copy of your Retired [sic] Windsor Locks Lolic [sic]
I.D card or any other Official RECORD that identifies you
as a Retired Windsor locks Police Officer.”

3. It is further found that by subsequent email dated July 9, 2018, to Mr. Rachele, to C. Kervick, a selectman, and to the Chairman of the Windsor Locks Police Commission, the complainant made a similar request: “This is a third request for a copy of your Retired Windsor Locks Police Identification ID.” The Commission notes that, although the July 9, 2018 email refers to the message as a “third” request, there is no evidence in the record of a second request.

4. It is found that the respondents did not reply to either of the complainant's requests.

5. By email dated and filed on July 16, 2018, the complainant appealed to this Commission, alleging that the respondents violated the Freedom of Information ("FOI") Act by failing to comply with his records request.

6. 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.

7. Section 1-210(a), G.S., provides in relevant part that:

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, (2) copy such records in accordance with subsection (g) of section 1-212, or (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 requested record, a copy of Respondent Rachele's retired Windsor Locks Police identification card, to the extent it exists and is maintained by the respondents Windsor Locks Police Commission and Windsor Locks Board of Selectmen, is a public record within the meaning of §§1-200(5), 1-210(a) and 1-212(a), G.S.

10. The Commission takes administrative notice of its record and final decision in Docket #FIC 2018-0147; William Rousseau v. Chairman Police Commission, Town of Windsor Locks; Police Commission, Town of Windsor Locks; and Town of Windsor Locks (Oct. 24, 2018). In that matter the complainant requested from the Windsor Locks Police Commission and the Town of Windsor Locks "records that show the officers that

retired in good standing shall be provided with a retirement badge and a police identification card” among other items not at issue herein.

11. In Docket #FIC 2018-0147, the Commission found that neither the Windsor Locks Police Commission nor the Town of Windsor Locks keeps records pertaining to badges or identification cards except for the purchase order issued to order them.

12. It is found that, while Mr. Rachele may have an identification card as a retired police officer, any such badge would be held by him in his personal capacity, and not in his capacity as a Selectman or Police Commissioner.

13. Under the facts and circumstances of this case, it is found that the respondents Police Commission and Board of Selectmen do not maintain the requested record.

14. It is concluded that the respondents did not violate the disclosure provisions of §§1-210 and 1-212, G.S., 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 May 8, 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:

WILLIAM ROUSSEAU, 407 Elmwood Drive, Windsor Locks, CT 06096

POLICE COMMISSION, TOWN OF WINDSOR LOCKS; AND BOARD OF SELECTMEN, TOWN OF WINDSOR LOCKS, c/o Attorney Carl T. Landolina, 487 Spring Street, Windsor Locks, CT 06096



Cynthia A. Cannata
Acting Clerk of the Commission