

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

William Rousseau,

Complainant

against

Docket #FIC 2018-0385

Chief, Police Department, Town of Windsor
Locks; Police Department, Town of
Windsor Locks; and Town of Windsor
Locks,

Respondents

May 8, 2019

The above-captioned matter was heard as a contested case on September 17, 2018 and April 18, 2019, at which times the complainant and the respondents appeared, stipulated to certain facts, and 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. By letter of complaint filed July 17, 2018, the complainant appealed to this Commission, alleging that the respondents violated the Freedom of Information ("FOI") Act by denying his July 9, 2018 request for certain public records.
3. It is found that the complainant made the following July 9, 2018 request to the respondents:

Under FOI, I am again requesting that you email to me a copy of the detailed investigations and detailed conclusions of all investigations that were assigned to Captain Smith for investigation under [Conn. Gen. Stat. section] 7-294bb. This should include a list of persons interviewed and statements that were taken, time and dates.

I am also requesting a copy of the detailed investigations and detailed conclusion of complaints that were

investigated and or responded to by Chief Osanitsch from [me] that were filed in 2015 (and later) under 7-294bb. This should include a list of persons interviewed and statements that were taken, times and dates.

Chief Osanitsch, at a recent Police Commission Meeting stated that Captain Smith has spent numerous hours investigating complaints that were filed by [me] under 7-294bb and that Captain Smith has accumulated approximately 500 pages of investigatory materials.

I charge and complain that Chief Osanitsch and Captain Smith have not discharged the sworn duties of their office and have failed to act in good faith in the investigation of complaints that were filed by [me] under 7-294bb.

4. It is found that the complainant made five complaints to the respondents, which were assigned to Captain Smith to investigate.

5. It is found that Smith completed his investigations, during which he collected approximately 500 pages of documents, consisting of newspaper articles, printouts of social media posts, interviews, and police reports, and reported to the respondent police Commission at one of its monthly meeting.

6. It is found that the 500 pages were made available to the complainant, but that he declined to pick them up.

7. It is found that 100 of the 500 pages were redacted printouts from the respondent Police Department computers.

8. It is also found that both the redacted printouts, and the copies of newspaper articles and social media postings, although related to the complainant's specific request, are not the records actually requested by the complainant.

9. It is found that Smith provided summaries of all five investigations to the Police Commission, totaling approximately 35 pages.

10. It is found that the 35 pages of summaries were also provided to the complainant.

11. It is found that the summaries are the only documents specifically responsive to the complainant's request.

12. Section 1-200(5), G.S., defines "public records or files" as:

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.

13. 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 . . . (3) receive a copy of such records in accordance with section 1-212.

14. Section 1-212(a), G.S., provides in relevant part that “any person applying in writing shall receive, promptly upon request, a plain, facsimile, electronic or certified copy of any public record.”

15. It is concluded that the requested records are public records within the meaning of §§1-200(5), 1-210(a) and 1-212(a), G.S.

16. It is found that no responsive records were withheld from the complainant.

17. It is therefore concluded that the respondents did not violate the FOI Act as alleged.

18. At the hearing, the complainant raised several collateral issues regarding the adequacy of the respondents’ investigations. However, none of these collateral issues are cognizable under the FOI Act.

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 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

CHIEF, POLICE DEPARTMENT, TOWN OF WINDSOR LOCKS; POLICE DEPARTMENT, TOWN OF WINDSOR LOCKS; AND TOWN OF WINDSOR LOCKS, c/o Attorney Carl T. Landolina, Fahey & Landolina, 487 Spring Street, Windsor Locks, CT 06096



Cynthia A. Cannata
Acting Clerk of the Commission