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# FREEDOM OF INFORMATION



Connecticut Freedom of Information Commission • 18-20 Trinity Street, Suite 100 • Hartford, CT 06106  
Toll free (CT only): (866)374-3617 Tel: (860)566-5682 Fax: (860)566-6474 • www.state.ct.us/foi/ • email: foi@po.state.ct.us

Maurice Miller,  
Complainant(s)  
against

Notice of Meeting

Docket #FIC 2014-178

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

Respondent(s)

September 9, 2014

### Transmittal of Proposed Final Decision

In accordance with Section 4-179 of the Connecticut General Statutes, the Freedom of Information Commission hereby transmits to you the proposed finding and decision prepared by the hearing officer in the above-captioned matter.

This will notify you that the Commission will consider this matter for disposition at its meeting which will be held in the Freedom of Information Commission Hearing Room, 18-20 Trinity Street, 1st floor, Hartford, Connecticut, at **2 p.m. on Wednesday, September 24, 2014**. At that time and place you will be allowed to offer oral argument concerning this proposed finding and order. Oral argument shall be limited to ten (10) minutes. For good cause shown, however, the Commission may increase the period of time for argument. A request for additional time must be made in writing and should be filed with the Commission **ON OR BEFORE September 16, 2014**. Such request **MUST BE (1) copied to all parties, or if the parties are represented, to such representatives, and (2) include a notation indicating such notice to all parties or their representatives.**

Although a brief or memorandum of law is not required, if you decide to submit such a document, an **original and fourteen (14) copies** must be filed **ON OR BEFORE September 16, 2014**. **PLEASE NOTE: Any correspondence, brief or memorandum directed to the Commissioners by any party or representative of any party MUST BE (1) copied to all parties, or if the parties are represented, to such representatives, (2) include a notation indicating such notice to all parties or their representatives and (3) be limited to argument. NO NEW EVIDENCE MAY BE SUBMITTED.**

If you have already filed a brief or memorandum with the hearing officer and wish to have that document distributed to each member of the Commission, it is requested that **fourteen (14) copies** be filed **ON OR BEFORE September 16, 2014**, and that **notice be given to all parties or if the parties are represented, to their representatives, that such previously filed document is being submitted to the Commissioners for review.**

By Order of the Freedom of  
Information Commission

W. Paradis  
Acting Clerk of the Commission

Notice to: Maurice Miller  
Gary S. Roosa, Esq.

2014-09-09/FIC# 2014-178/Trans/wrbp/VRP//VDH

FREEDOM OF INFORMATION COMMISSION  
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

Report of Hearing Officer

Maurice Miller,

Complainant

against

Docket #FIC 2014-178

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

Respondents

September 9, 2014

The above-captioned matter was heard as a contested case on September 8, 2014, 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 March 31, 2014, the complainant appealed to the Commission, alleging that the respondents denied his March 26, 2014 request for certain public records relating to his arrest.
3. It is found that, by letter mailed March 26, 2013 to the respondents, the complainant requested:

... the following documents and copies thereof involving the amount of narcotics purchase[d] during [the] control[led] [drug] buy, the amount of money used and the [serial] number(s) [of the currency used], the [confidential informant's] name and identification number known by records to [exist], photos taken during surveillance, phone

recordings of [the] incident, times and dates on or about Feb[ruary] 1, 2012 – March 1, 2012, the addresses of [the] incident. Case #2012-012679.

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, (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.

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

7. It is found that the requested records described in paragraph 3, above, to the extent that they exist, are public records within the meaning of §§1-200(5) and 1-210(a), G.S.

8. It is found that the respondents delivered copies of responsive records, except for signed witness statements and the identity of confidential informants, to the FOI liaison for the Department of Correction in July 2014, and that those records were subsequently delivered to the complainant.

9. Section 1-210(b)(3), G.S., provides in relevant part that disclosure is not required of “(A) the identity of informants not otherwise known ..., (C) signed statements of witnesses ....”

10. It is concluded that the signed witness statements and the identities of the confidential informants contained in the requested records are exempt from disclosure pursuant to §1-210(b)(3)(A) and (C), G.S., and that the respondents therefore did not violate the FOI Act by withholding those records.

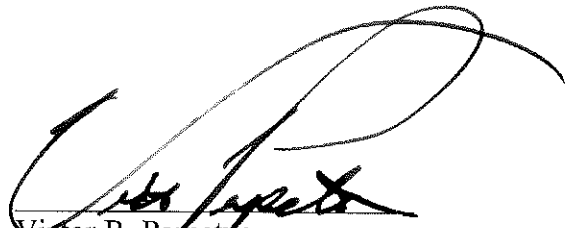
11. It is found that the respondents do not have records of the amount of money used in the controlled drug buy, the serial numbers of the bills used in the incident, the amount of narcotics purchased, or any phone recordings or surveillance photos.

12. It is therefore found that the respondents provided all the responsive records in their custody to the complainant

13. 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 complaint is dismissed.



Victor R. Perpetua  
as Hearing Officer