



FREEDOM OF INFORMATION



Connecticut Freedom of Information Commission • 18-20 Trinity Street, Suite 100 • Hartford, CT 06106
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Torrey Townsend,
Complainant(s)
against

Notice of Meeting

Docket #FIC 2014-488

Chief, Police Department, City of New Haven;
Police Department, City of New Haven; and
City of New Haven,

Respondent(s)

May 14, 2015

Transmittal of Proposed Final Decision Dated May 14, 2015

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 dated May 14, 2015, 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, June 10, 2015**. 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 May 29, 2015*. 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 May 29, 2015*. **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 **fifteen (15) copies** be filed *on or before May 29, 2015* 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: Torrey Townsend
Kathleen Foster, Esq.

2015-05-14/FIC# 2014-488/Trans/wrbp/VRP//KKR

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

Report of Hearing Officer

Torrey Townsend,

Complainant

against

Docket #FIC 2014-488

Chief, Police Department, City of
City of New Haven; Police Department,
City of New Haven; and
City of New Haven,

Respondents

May 14, 2015

The above-captioned matter was heard as a contested case on February 23, 2015, at which time the complainant and the respondents appeared and stipulated to certain facts. This matter was consolidated for hearing with Docket #FIC 2014-522, *Torrey Townsend v. Chief, Police Department, City of New Haven et al.* A Report of Hearing Officer dated April 30, 2014 is hereby withdrawn, and this Report of Hearing Officer is issued in lieu thereof.

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 25, 2014, the complainant appealed to the Commission, alleging that the respondents violated the Freedom of Information (“FOI”) Act by failing to comply with her requests for public records, up to and including her final request on July 7, 2014.
3. 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.
4. 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. (Emphasis supplied).

5. 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."

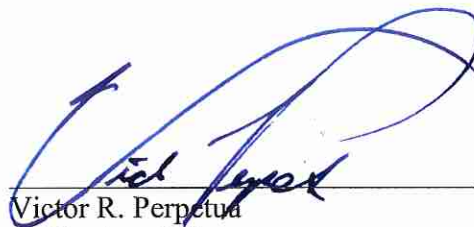
6. It is found that the requested records are public records within the meaning of §§ 1-200(5), 1-210(a), and 1-212(a), G.S.

7. At the hearing the parties stipulated, and it is found, that the complainant received all the records she requested, but there was a delay and her request was not responded to promptly. The reason for the lack of promptness was the lack of a policy with respect to indigent persons who are not inmates. The New Haven Records Unit indigence policy only extended as far as inmates and the Public Defenders' office, and it did not have a policy that addressed requests for records from indigent persons who were not inmates or clients of public defenders. For that reason there was some time that elapsed prior to getting all the records to the complainant. The New Haven Records Unit is in the process of developing a policy that will probably essentially be a federal poverty standard as demonstrated by a tax return.

8. It is concluded that the respondents violated the promptness provisions §§ 1-210(a) and 1-212(a), G.S.

The following order by the Commission is hereby recommended on the basis of the record concerning the above-captioned complaint:

1. Henceforth the respondents shall strictly comply with the promptness provisions of §§ 1-210(a) and 1-212(a), G.S.


Victor R. Perpetua
as Hearing Officer