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FREEDOM OF INFORMATION



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

Notice of Meeting

Docket #FIC 2012-602

Commissioner, State of Connecticut,
Department of Emergency Services and
Public Protection; and State of Connecticut,
Department of Emergency Services and
Public Protection,

Respondent(s)

May 29, 2013

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, June 26, 2013**. 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 June 14, 2013**. 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, the Commission requests that an **original and fourteen (14) copies** be filed **ON OR BEFORE June 14, 2013**. 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 June 14, 2013**, 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: James Torlai
Terrence M. O'Neill, Esq.

5/29/13/FIC# 2012-602/Trans/wrbp/LFS//TAH

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

Report of Hearing Officer

James Torlai,

Complainant

against

Docket #FIC 2012-602

Commissioner, State of Connecticut,
Department of Emergency Services and
Public Protection; and State of
Connecticut, Department of Emergency
Services and Public Protection,

Respondents

May 22, 2013

The above-captioned matter was heard as a contested case on April 30, 2013, at which time 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. It is found that on July 1, 2012, the complainant requested "information related to all DUI arrests made by the State Police Troop L in June of 2012." It is found that the complainant specifically requested: "[a)] the name and address of the person arrested; [b)] the date, time and place of arrest and the offenses for which the person was arrested; and [c)] an arrest report, incident report, news release or other similar report of the arrest."
3. It is found that the respondents acknowledged the complainant's request on July 5, 2012.
4. It is found that on September 23, 2012, the complainant sent a reminder request referencing his request of July 1, 2102, described in paragraph 2, above.
5. It is found that on October 5, 2012, the respondents provided nine pages of records to the complainant.
6. It is found that on October 13, 0212, the complainant wrote to the respondents, contending that they did not provide all of the records he requested.

7. By letter filed October 22, 2012, the complainant appealed to this Commission, alleging that the respondents violated the Freedom of Information ("FOI") Act by failing to provide him with all the records he requested.

8. 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, ... whether such data or information be handwritten, typed, tape-recorded, printed, photostated, photographed or recorded by any other method.

9. 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 section 1-212.

10. 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."

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

12. It is found that while this matter was pending, the respondents developed and implemented a reasonable multi-step procedure to ensure diligent and prompt compliance with the complainant's recurring requests for records for the DUI arrests by month for a particular troop of the State Police.

13. It is found that the respondents provided additional records to the complainant in satisfaction of his request for records, described in paragraph 2, above, on March 19, 2013.

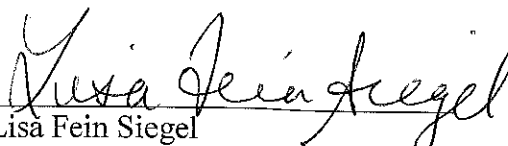
14. It is noted, however, that the respondents did not provide any records responsive to the complainant's request, first made on July 1, 2012, for records of arrest of the previous month, until at least three months had elapsed. It is found that such delay was not timely, and that the respondents were not prompt in complying with the complainant's request.

15. It is concluded, therefore, that the respondents violated the FOI Act by failing to provide records in a prompt manner to the complainant.

16. Nevertheless, the Commission commends the respondents' endeavors to implement a method to assure prompt compliance on an ongoing basis, as described in paragraph 12, above.

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 promptly comply with the FOI Act.


Lisa Fein Siegel
as Hearing Officer