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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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Owen Chace,
Complainant(s)
against

Notice of Meeting

Docket #FIC 2012-683

Chief, Police Department, Town of Hamden;
and Police Department, Town of Hamden,
Respondent(s)

June 27, 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, July 24, 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 July 12, 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, an **original and fourteen (14) copies** must be filed **ON OR BEFORE July 12, 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 July 12, 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: Owen Chace
Susan Gruen, Esq.

6.27.2013/FIC# 2012-683/Trans/wrbp/VRP//TAH

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

Report Of Hearing Officer

Owen Chace,

Complainant

against

Docket #FIC 2012-683

Chief, Police Department, Town of
Hamden; and Police Department, Town
of Hamden,

Respondents

June 26, 2013

The above-captioned matter was heard as a contested case on April 4, 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. By letter of complaint filed December 7, 2012, the complainant appealed to the Commission, alleging that the respondents violated the Freedom of Information ("FOI") Act by denying his request for public records.
3. It is found that the complainant believes that police officers are stalking and harassing him, and has observed officers in police vehicles near his home and place of business more often than he would expect in a quiet neighborhood.
4. It is found that the complainant made a November 7, 2012 request for records pertaining to police officers in specified police vehicles on certain dates, time and locations. The information requested was the name and badge number officer observed, the officer's disciplinary record, the officer's immediate supervisor, and any communications directing the officer to be at the observed time and place.
5. It is found that the respondents referred to the police duty roster to identify the officers in the specified vehicles on the days observed by the complainant, provided those names to the complainant, and asked that the complainant specify the particular documents he was requesting.

6. When the complainant re-iterated his original request, not specifying particular documents, the respondents further searched for, and provided to the complainant, records of the disciplinary history of each officer, records that showed the immediate supervisor for each officer, and records showing communication directing the officers to their locations.

7. 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.

8. 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.

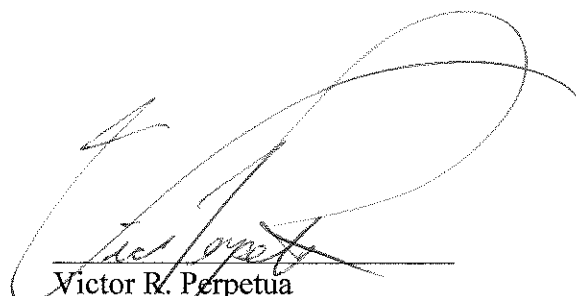
9. It is concluded that the requested records are public records within the meaning of §§1-200(5) and 1-210(a), G.S.

10. It is found that the respondents conducted a diligent search for any responsive records. Although the final package of records was not delivered to the complainant until February 19, 2013, it is found that the response was reasonably prompt under the circumstances, given that the respondents first attempted to solicit from the complainant the particular documents he was looking for, and then necessarily devoted significant time to searching and culling of documents in order to respond to the request.

11. It is 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.

A handwritten signature in black ink, appearing to read "Victor R. Perpetua", written over a horizontal line.

Victor R. Perpetua
As Hearing Officer

HOR/FIC2012-683/VRP/06252013