



# 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

Kareem Hedge,  
Complainant(s)  
against

Notice of Meeting

Docket #FIC 2013-401

Chief, Police Department, City of Bridgeport;  
and Police Department, City of Bridgeport,  
Respondent(s)

May 23, 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, June 11, 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 May 30, 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 May 30, 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 May 30, 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

Wendy Paradis  
Acting Clerk of the Commission

Notice to: Kareem Hedge  
Gregory M. Conte, Esq.

2014-05-23/FIC# 2013-401/Trans/wrbp/GFD/VDH

FREEDOM OF INFORMATION COMMISSION  
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

Report of Hearing Officer

Kareem Hedge,

Complainant

against

Docket #FIC 2013-401

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

Respondents

May 23, 2014

The above-captioned matter was heard as a contested case on April 17, 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 dated July 28, 2013 and filed with the Commission on July 2, 2013, the complainant alleged that the respondents violated the Freedom of Information ("FOI") Act by failing to provide him with copies of the records described in paragraph 3, below.
3. It is found that, by letter dated June 4, 2013, the complainant requested the following information from the respondent department, related to his March 13, 2003 criminal arrest, identified by incident No. 030313313 and investigation case No. 03n176:
  - a. "[o]ne full and complete legible copy of the March 13, 2003 arrest. ... [w]ith no redactions, and all supplemental reports;"
  - b. "[o]ne full, legible copy of the Bpt. police property log book stemming from the [M]arch 13, 2003 arrest. ... [w]ith no redactions;"

- c. "[o]ne full, legible copy of the Bpt. police [i]nventory of property seized w/o a search warrant. ... [s]temming from the [M]arch 13, 2003 arrest;"
- d. "[o]ne full, legible copy of the Bpt. police Dept. property receipt. ... stemming from the [M]arch 13, 2003 arrest;" and
- e. "[o]ne full, legible copy of the Request for Examination of Physical Evidence, ...from the [M]arch 13, 2003 arrest.

(hereinafter the "requested records").

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 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.

6. 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."

7. It is found that to the extent the respondents maintain the requested records, such records are public records within the meaning of §§1-200(5), 1-210(a), and 1-212(a), G.S.

8. At the hearing in this matter, the complainant contended that the respondents had not provided him with any of the responsive records. The complainant also

contended that responsive records exist and that the respondents can provide him with such records by obtaining them from the appellate and habeas files related to complainant's litigation.

9. The respondents contended that they were only able to locate three responsive records, which counsel for the respondents submitted into evidence during the hearing on this matter (Respondents' Exhibit 1). The respondents' counsel also contended that because the requested records pertain to a March 2003 arrest that occurred over eleven years ago, the remaining records as well as the property inventoried with such records were believed to be destroyed, pursuant to the state's record retention schedule. The respondents further contended that any responsive records that may be in the complainant's appellate or habeas file are in the possession of the Office of the Chief State's Attorney, not the respondents.

10. It is found that the requested records pertain to the complainant's March 13, 2003 arrest on a narcotics violation by officers of the respondent department. It is also found that during the complainant's March 13, 2003 arrest, property was seized as evidence in connection with the alleged narcotics violation.

11. The Commission takes administrative notice of the Public Records Administrator's retention schedule for municipal records management pertaining to the public safety and emergency services records. The Commission notes that municipalities are required to retain case investigation records that do not involve death such as non-fatal accidents, felonies, infractions misdemeanors, solved missing persons and stolen motor vehicles or license plates for ten years. See generally Municipal Records Retention/Disposition Schedule M7.

12. It is found that, on receipt of the complainant's request for the requested records related to his March 13, 2003 arrest, the respondents searched their physical files for responsive records and initially were unable to locate any responsive records.

13. It is found that the respondents believed they destroyed the requested records described in paragraph 3, above, prior to the complainant's July 28, 2013 request for copies.

14. It is found, however, that the respondents were able to locate three responsive records related to the complainant's March 13, 2003 arrest described in paragraph 3, above, a week prior to the hearing in this matter. It is also found that such responsive records were located in the respondents' secretary's file cabinet in the respondents' property room and consisted of three forms completed by officers of the respondent department, entitled "Inventory of Property Seized Without A Search Warrant," each listing specific property seized during the complainant's March 13, 2003 arrest.

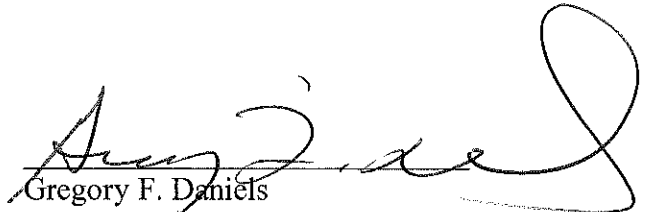
15. It is found that at the time of the complainant's request for the requested records described in paragraph 3, above, the respondents no longer maintained any other responsive records.

16. It is concluded, therefore, that the respondents did not violate §1-212(a), G.S.

17. As to the complainant's claim that the respondents can provide him with additional records by obtaining copies of responsive records from the complainant's appellate or habeas file, it is found that the respondents are not required to obtain copies of responsive records located at the Office of the Chief State's Attorney's Office in response to the complainant's request at issue herein.

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

1. The complaint is hereby dismissed.

  
Gregory F. Daniels  
as Hearing Officer