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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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Seth Wolfe,
Complainant(s)
against

Notice of Meeting

Docket #FIC 2014-407

Chief, Police Department, Town of Clinton; Chairman,
Board of Police Commissioners, Town of Clinton; Police
Department, Town of Clinton; and Town of Clinton,
Respondent(s)

March 19, 2015

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, April 8, 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 March 27, 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 March 27, 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 **fourteen (14) copies** be filed **ON OR BEFORE March 27, 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: Seth Wolfe
John S. Benet, Esq.

2015-03-19/FIC# 2014-407/Trans/wrbp/LFS//CAL

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

Report of Hearing Officer

Seth Wolfe,

Complainant

against

Docket #FIC 2014-407

Chief, Police Department, Town of
Clinton; Board of Police Commissioners,
Town of Clinton; Police Department,
Town of Clinton; and Town of Clinton,

Respondents

March 16, 2015

The above-captioned matter was heard as a contested case on January 29, 2015, at which time the complainant and the respondents appeared, stipulated to certain facts and presented testimony, exhibits and argument on the complaint. The matter was consolidated for hearing with Docket #FIC 2014-414; Seth Wolfe v. Chief, Police Department, Town of Clinton; Police Department, Town of Clinton; and Town of Clinton.

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 May 30, 2014, the complainant requested a copy of the following records:
 - a. Invoices [for] Clinton police issued handgun given to Jim DePietro. Invoice should include serial number, make and model;
 - b. Invoice for state approved storage container provided to Jim DePietro for his Clinton police issued handgun;
 - c. Invoice for all ammunition provided to Jim DePietro by the Clinton police department for his issued handgun. Invoice must state the name and type of ammunition provided to him;
 - d. Invoices for any other weapons or firearms provided to Jim DePietro by the Clinton police department; and

- e. Invoice for yellow reflective jacket provided to Jim DePietro by the Clinton police department for active duty.

3. It is found that on May 30, 2014, the respondents informed the complainant that they do not maintain any records responsive to his request. It is found that the respondents told the complainant that “such items as firearms, ammunition, vests and equipment are not purchased on a per unit basis or by specific designation to a specific officer.”

4. By letter filed June 27, 2014, the complainant appealed to this Commission, alleging that the respondents violated the Freedom of Information (“FOI”) Act by failing to promptly provide him with the records he requested.

5. 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.

6. 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.

7. 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.”

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

9. It is found that in January 2015, the respondents produced for the complainant an invoice that they received when they replaced their old pistols with new SigSauer weapons. It is found that the respondents purchased 30 weapons as a group that were then issued to each officer. It is found that the respondents never had an invoice for the particular handgun provided to an individual officer.

10. It is found that a storage container was provided to each officer along with the weapon. It is found that the respondents never had an invoice for the particular storage container

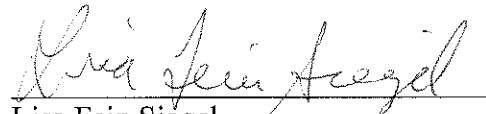
provided to each individual officer; similarly, it is found that the respondents never maintained an invoice for the particular ammunition provided to Officer DePietro, because they purchased the ammunition in bulk, too.

11. With respect to the reflective jackets, it is found that the respondents also informed the complainant in January 2015 that Officer DePietro would have been issued a jacket in 2006, but the invoice for its purchase nine years ago could not be located.

12. 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.



Lisa Fein Siegel
as Hearing Officer