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FREEDOM OF INFORMATION



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Thomas Tanner

Complainant(s)

Notice of Rescheduled
Commission Meeting

against

Docket #FIC 2015-666

Michael Maniago, Chief, Police
Department, City of Torrington; Police
Department, City of Torrington; and City of
Torrington

Respondent(s)

May 31, 2016

This will notify you that the Freedom of Information Commission has rescheduled the above-captioned matter, which was tabled at the May 25, 2016 Commission meeting.

The Commission will consider the case at its meeting to be held at the Freedom of Information Commission Hearing Room, 18-20 Trinity Street, 1st floor, Hartford, Connecticut, at **2:00 p.m. on Wednesday, June 22, 2016.**

Any brief, memorandum of law or request for additional time, as referenced in the Transmittal of Proposed Final Decision, should be received by the Commission on or before June 10, 2016.

By Order of the Freedom of Information Commission

W. Paradis,
Acting Clerk of the Commission

Notice to:
Thomas Tanner
Attorney Jaime LaMere
cc: Craig Washington

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

Report of Hearing Officer

Thomas Tanner,

Complainant

against

Docket #FIC 2015-666

Michael Maniago, Chief, Police
Department, City of Torrington;
Police Department, City of
Torrington; and City of Torrington,

Respondents

March 23, 2016

The above-captioned matter was heard as a contested case on March 8, 2016, at which time the complainant and the respondents appeared 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, 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 September 21, 2015, the complainant appealed to this Commission, alleging that the respondents failed to comply with the September 9, 2015 order of this Commission in Docket #FIC 2014-848, Thomas Tanner v. Chief, Police Department, City of Torrington et al., (“Tanner I”). The complainant also requested the imposition of a civil penalty against the respondents.
3. In Tanner I, the Commission concluded that the respondents violated the Freedom of Information (“FOI”) Act, by failing to provide to the complainant a copy of the records he requested by letter dated November 1, 2014. Accordingly, the Commission ordered that a copy of the following records, related to his criminal case number 13-25841, be provided to the complainant:

- a. any and all police reports as well as supplemental reports;
- b. [a]ny and all arrest warrant applications;

- c. [a]ny and all copies of confessions and statements of witnesses and victims;
- d. [a]ny and all DNA samples that were collected, tested and received; and
- e. [a]ny and all other information and evidence collected for case 13-25841 as well as any and all video footage photos.

4. With regard to the records described in paragraph 2.a., above, it is found that the respondents provided all records they maintain that are responsive to the request.

5. At the hearing in this matter, the complainant stated that he had received a copy of the records, described in paragraph 2.b., above, and therefore no longer wished to pursue the non-compliance allegation with regard to such records.

6. With regard to the records, described in paragraph 2.c, above, it is found that the respondents withheld from the complainant copies of signed statements of witnesses and victims; however, it is further found that, to the extent such statements were incorporated into the police investigation reports that were provided to the complainant, the respondents did not redact such statements. The complainant did not contest the withholding of the signed statements of witnesses and victims.


7. With regard to the records, described in paragraph 2.d., above, it is found that the respondents do not maintain any such records.

8. With regard to the records, described in paragraph 2.e., above, it is found that the respondents do not maintain any video footage photos related to criminal case number 13-25841. The complainant stated, at the hearing in this matter, that he also was seeking any other records related to his criminal case, such as fax cover sheets. It is found that the respondents do not maintain any such fax cover sheets, and that they provided to the complainant all records pertaining to his criminal case.

9. Based upon the foregoing, it is found that the respondents complied with the Commission's order in Tanner I.

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.


Kathleen K. Ross
As Hearing Officer