

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

Congregations Organized for a New
Connecticut,

Complainant

against

Docket #FIC 2016-0364

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

Respondents

January 25, 2017

The above-captioned matter was heard as a contested case on December 8, 2016, 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 April 15, 2016, the complainant sent a 15-part request for records, for each year since 2010, concerning complaints against the respondents' police officers, Use of Force reports, Use of OC Spray reports, Use of TASERS reports, Firearm Discharge reports, bias-based policing complaints and related records, and other records.
3. It is found that on April 20, 2016, the Office of the City Attorney for the City of Bridgeport acknowledged the complainant's request and informed the complainant that the office would contact the complainant in writing when the requested information was available.
4. By letter filed May 12, 2016, the complainant appealed to this Commission, alleging that the respondents violated the Freedom of Information ("FOI") Act by failing to provide the records it requested. The complainant requested the imposition of civil penalties.
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 found 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 the City Attorney's Office provided the first set of documents by electronic Dropbox on September 30, 2016.

10. It is found that the parties communicated over the next several months about the status of the request, including whether the respondents maintained certain records requested and whether the records were maintained in an electronically accessible database or in paper format only.

11. It is found that, by the date of the hearing in this matter, the respondents had provided most of the responsive records that they maintained.

12. It is found that, as discussed at the hearing and as detailed in Exhibit Y, the respondents promised to continue to search for the remaining records that the respondents maintain but had not yet provided.

13. The respondents also promised to provide an affidavit concerning records of bias-based policing, as discussed at the hearing in this matter.

14. It is found that there was a more than five month delay between the date of complainant's request and the date on which the respondents first provided responsive records. It is found that such delay was not timely and was without reasonable grounds.

15. Accordingly, it is concluded that the respondents violated §§1-210(a) and 1-212(a), G.S.

16. It is also found, however, that with the change of personnel in the Office of the City Attorney, the respondents are now working to fully comply with the complainant's large request for records. The Commission also notes that the respondents have provided records without charge.

17. After consideration of the entire record in this case, the Commission declines to consider the imposition of civil penalties against the respondents.

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

1. If they have not done so already, the respondents shall forthwith provide to the complainant the remaining records responsive to the request. Such records maintained in electronic format shall be provided no later than two weeks after the final decision in this matter. Paper records shall be provided as soon as possible and without delay. As discussed at the hearing in this matter, the respondents are urged to make such paper records available to the complainant for inspection at the parties' earliest convenience.

2. The respondents shall provide an affidavit concerning biased-based policing, as discussed in the hearing in this matter.

3. Henceforth, the respondents shall strictly comply with the promptness requirements of §§1-210(a) and 1-212(a), G.S.

Approved by Order of the Freedom of Information Commission at its regular meeting of January 25, 2017.



Cynthia A. Cannata
Acting Clerk of the Commission

PURSUANT TO SECTION 4-180(c), G.S., THE FOLLOWING ARE THE NAMES OF EACH PARTY AND THE MOST RECENT MAILING ADDRESS, PROVIDED TO THE FREEDOM OF INFORMATION COMMISSION, OF THE PARTIES OR THEIR AUTHORIZED REPRESENTATIVE.

THE PARTIES TO THIS CONTESTED CASE ARE:

Congregations Organized for a New Connecticut
c/o Michael J. Wishnie, Esq.
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Armando Perez, Chief, Police Department, City of
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