

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

Christopher Shuckra,

Complainant

against

Docket #FIC 2016-0859

Chief, Police Department, City of New Britain;
and Police Department, City of New Britain,

Respondents

November 15, 2017

The above-captioned matter was scheduled to be heard as a contested case on August 29, 2017, at which time the respondents appeared but the complainant did not. The respondents moved for dismissal. On September 1, 2017, the hearing officer issued a hearing officer's report, which recommended granting the respondents' motion for dismissal. On September 27, 2017, the matter was considered by the Freedom of Information ("FOI") Commission at its regular meeting, at which time the complainant requested that the matter be remanded back to the hearing officer for an evidentiary hearing. The Commission voted to grant the complainant's request.

The matter was heard as a contested case on October 11, 2017, at which time the complainant and the respondents appeared. 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)(A), G.S.
2. It is found that on November 8, 2016, the complainant requested copies of records from the respondents: an incident report, records pertaining to Officer Matthew Sulek, and various policies of the respondents.

3. By letter postmarked December 9, 2016, and filed December 12, 2016, the complainant appealed to this Commission, alleging that the respondents violated the FOI Act by failing to provide him with the requested records.

4. Section 1-200(5), G.S., defines “public records” as follows:

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.

5. 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.

6. 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.”

7. 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.

8. It is found that between the date of the complainant's request and the hearing in this matter, the complainant was released from prison, during which time he met with counsel for the respondents, who provided access to the records the complainant requested.

9. It is found that the complainant was subsequently reincarcerated.

10. It is found that at the hearing in this matter, the complainant stated that the only records still at issue were two Internal Affairs reports: No. 15-18 and No. 16-20.

11. Although the respondents stated that they had already provided copies of such reports to the complainant, they agreed to provide such records again. It is found that the complainant directed the respondents to send the copies to him electronically at his personal email address. The complainant stated that he would then withdraw his complaint.

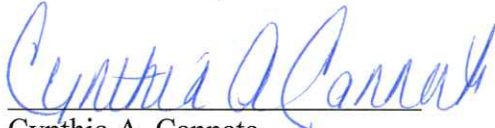
12. By email dated October 11, 2017, 12:17 p.m., the respondents sent copies of the two IA reports to the complainant's personal email address. The respondents sent a "carbon copy" of the email to the hearing officer. Such email is accepted as an after-filed exhibit in this matter.

13. As of the date of the hearing officer's report in this matter, the Commission had not received a letter of withdrawal. However at the November 15, 2017 Commission meeting, the complainant indicated he wished to withdraw his complaint.

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.

Approved by Order of the Freedom of Information Commission at its regular meeting of November 15, 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:

CHRISTOPHER SHUCKRA, #213510, Hartford CC, 177 Weston Street, Hartford, CT 06102

CHIEF, POLICE DEPARTMENT, CITY OF NEW BRITAIN; AND POLICE DEPARTMENT, CITY OF NEW BRITAIN, c/o Attorney Joseph Skelly, Assistant Corporation Counsel, City of New Britain, 27 West Main Street, New Britain, CT 06051



Cynthia A. Cannata
Acting Clerk of the Commission