

FREEDOM OF INFORMATION COMMISSION  
OF THE STATE OF CONNECTICUT

In The Matter of a Complaint by

FINAL DECISION

William Rousseau,

Complainant

against

Docket #FIC 2018-0147

Chairman, Police Commission, Town  
of Windsor Locks; Police Commission,  
Town of Windsor Locks; and Town of  
Windsor Locks,

Respondents

October 24, 2018

The above-captioned matter was heard as a contested case on May 24, 2018, 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, by email dated March 7, 2018, to the respondent Chairman of the Police Commission, the complainant made a request for the following:
  - a. the record that states that the officers that retired under this agreement have negotiated that they will be granted a retirement badge and their retired police identification card;
  - b. the record that shows the officers that retired in good standing shall be provided with a retirement badge and a police identification card; and
  - c. the personnel record that identifies, individually and by officers name, that the Windsor Locks Police Commission has authorized a retired officer to carry

and possess a retirement badge and police identification card.

3. By email dated and filed on March 26, 2018, the complainant appealed to this Commission alleging that the respondents violated the Freedom of Information "FOI" Act by failing to comply with his records request.

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, (2) copy such records in accordance with subsection (g) of section 1-212, 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 that "[a]ny 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 the requested records, to the extent they exist and are maintained by the respondents, are public records within the meaning of §§1-200(5), 1-210(a) and 1-212(a), G.S.

8. It is found that, by letter dated March 12, 2017, the Chief of the Windsor Locks Police Department responded to the complainant's request. It is found that the chief acknowledged the complainant's request and provided a copy of the minutes from the respondent Police Commission's October 9, 2013 meeting.

9. It is found that the retirement badges referenced in the complainant's request are issued upon the request of the retiring officer. It is found that the badges are ceremonial and convey no legal authority to the bearer of such badges – they don't even

bear the retired officer's name. It is found that the respondents keep no record pertaining to the badges except for the purchase order issued to order them, and that record contains none of the information included in the complainant's request and therefore is not responsive to his request.

10. It is found that the only other record that contains any of the information pertaining to the retirement badges is the minutes of the respondent Police Commission's October 9, 2013 meeting which record the portion of the meeting when the complainant was presented with his retirement badge.

11. It is found that the respondent Police Commission's October 9, 2013 meeting minutes is the only record maintained by the respondents that is responsive to the complainant's request.

12. At the hearing on this matter, the respondents testified that a copy of the Police Commission's October 9, 2013 meeting minutes was mailed to the complainant twice, once by letter dated March 12, 2017 and again after the complainant filed his complaint in this matter. At the hearing on this matter, the complainant initially refused to state whether he received the minutes or not, and then eventually stated that "he could not recall" whether he received them or not.

13. It is found that a copy of the Police Commission's October 9, 2013 meeting minutes was promptly provided to the complainant by letter dated March 12, 2017 and again after the complainant filed his complaint in this matter.

14. However, the complainant objected to the chief of police responding to his request and appearing on behalf of the respondents stating, in part, that his request was to, and his complaint was against, the respondent Chairman of the Police Commission and the respondent Chairman should have personally responded to his records request and appeared at the hearing in this matter.

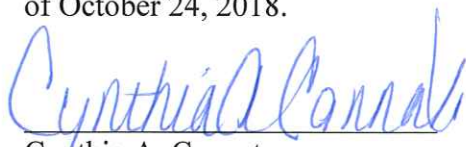
15. It is found that there is nothing in the FOI Act that precludes a public agency from designating staff members to comply with the FOI Act on its behalf; nor is there anything in the FOI Act that precludes an agency from designating a staff member to appear on its behalf at a contested case hearing.

16. Based on all of the forging, it is concluded that the respondents did not violate the disclosure provisions of §§1-210 and 1-212, G.S.

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 October 24, 2018.



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:

**WILLIAM ROUSSEAU**, 407 Elmwood Drive, Windsor Locks, CT 06096

**CHAIRMAN, POLICE COMMISSION, TOWN OF WINDSOR LOCKS;  
POLICE COMMISSION, TOWN OF WINDSOR LOCKS; AND TOWN OF  
WINDSOR LOCKS**, c/o Attorney Carl T. Landolina, Fahey & Landolina Attorneys,  
LLC, 487 Spring Street, Windsor Locks, CT 06096



Cynthia A. Cannata  
Cynthia A. Cannata  
Acting Clerk of the Commission