



# FREEDOM OF INFORMATION



Connecticut Freedom of Information Commission • 18-20 Trinity Street, Suite 100 • Hartford, CT 06106  
Toll free (CT only): (866) 374-3617 Tel: (860) 566-5682 Fax: (860) 566-6474 • www.ct.gov/foi • email: foi@ct.gov

Edward Peruta

Complainant(s)

against

James Rovella, Chief, Police Department,  
City of Hartford; Police Department,  
City of Hartford; and City of Hartford  
Respondent(s)

Notice of Meeting

Docket #FIC 2016-0613

July 19, 2017

## 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, August 9, 2017**. 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 July 28, 2017**. 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 July 28, 2017**. **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 **fifteen (15) copies** be filed **ON OR BEFORE July 28, 2017** 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

Wendy R.B. Paradis  
Acting Clerk of the Commission

Notice to: Edward Peruta  
Attorney Cynthia Lauture

FIC# 2016-0613/ITRA/KKR/TAH/WRBP/2017-07-19

FREEDOM OF INFORMATION COMMISSION  
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

Report of Hearing Officer

Edward Peruta,

Complainant

against

Docket #FIC 2016-0613

James Rovella, Chief, Police Department,  
City of Hartford; Police Department,  
City of Hartford; and City of Hartford,

Respondents

July 13, 2017

The above-captioned matter was heard as a contested case on July 11, 2017, at which time the complainant and the respondents appeared 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 August 26, 2016, the complainant requested “prompt access during normal business hours ... to inspect the following public records:

[a] all Hartford Police Department photographs of individual Hartford police officers who were present at a homicide on Park Street on the night of September 12, 2014, together with all photographs of Hartford police officers who were present at a homicide at 38 Kelsey Street on the night of August 7, 2015; [and]

[b] photographs of all Hartford police officers assigned to the department’s ‘shooting task force’ who responded to or were at the scene of a homicide in [sic] 38 Kelsey Street in the city of Hartford 8:30 pm [sic] and 10:15 pm on the night of August 7, 2015.

3. It is found that, by email dated August 26, 2016, at 1:26 pm, the respondents acknowledged the request, described in paragraph 2, above, and informed the complainant, in relevant part, that “[t]he Hartford Police Department will make a concerted effort to provide said records within a reasonable time frame, but all requests are processed in the order that they

are received. Once we have identified the documents you requested, to the extent they exist, you will be notified.”

4. By email dated and filed August 26, 2016, at 1:52 pm, the complainant appealed to this Commission, alleging that the respondents violated the Freedom of Information (“FOI”) Act by “treating requests for prompt access to inspect public records and requests for copies of public records in the same manner,” when “the Connecticut General Statutes and past FOIC decisions regarding prompt access to inspect public records mandate that the two types of requests be handled differently.” The complainant requested the imposition of the maximum civil penalty against the police chief.

5. Section 1-210(a), G.S., provides in relevant part that:

[e]xcept 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 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 statutes cited in paragraphs 5 and 6, above, provide a requestor with the right to promptly inspect public records, and the right to promptly receive a copy of public records. It is found that nothing in the FOI Act requires a public agency to respond to requests to inspect public records *more* promptly than requests for copies.

8. Accordingly, it is concluded that the respondents did not violate the FOI Act as alleged in the complaint.

9. Based upon the foregoing conclusion, the complainant’s request for the imposition of a civil penalty need not be addressed.

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.



Kathleen K. Ross  
as Hearing Officer