

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

Jean Conquistador,

Complainant

against

Docket #FIC 2018-0574

Chief, Police Department,
City of Meriden; and Police Department,
City of Meriden,

Respondents

September 11, 2019

The above-captioned matter was heard as a contested case on May 10, 2019, and August 27, 2019, at which times 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. It is found that, by letter dated August 12, 2018, the complainant requested a copy of the “complete police report” regarding a particular incident in which he was involved. In his request, the complainant stated that he was indigent and would be unable to pay for the copies.
3. It is found that, by letter dated September 11, 2018, the respondents acknowledged the request, enclosed a copy of the respondent department’s indigency policy, as well as an Affidavit of Indigency form, and explained to the complainant that he should complete the form and return it, as such form is required for the processing of his request for a fee waiver.
4. It is found that the complainant did not complete and return the Affidavit of Indigency form to the respondent department because he believed he would not be considered “indigent” under the respondent department’s standard of indigency.
5. Nonetheless, by letter dated October 5, 2018, the complainant appealed to this Commission, alleging that the respondents violated the Freedom of Information (“FOI”) Act by denying his request for a copy of the record, described in paragraph 2, above.

6. It is found that, by letter dated November 9, 2018, the acting clerk of the Commission informed the complainant that he had failed to file his complaint within 30 days of the alleged violation, suggested that he make a new request for such records, and further suggested that if such new request is denied, he file a new complaint with the Commission.

7. It is found that, by letter dated December 3, 2018, the complainant made a new request for the records, described in paragraph 2, above. However, it is found that the respondents did not respond to the December 3rd request.

8. By letter dated December 16, 2018, the complainant appealed to this Commission, alleging that the respondents violated the Freedom of Information (“FOI”) Act by denying his request for a copy of the record, described in paragraph 2, above.

9. Section 1-200(5), G.S., provides:

“[p]ublic 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 1-218, whether such data or information be handwritten, typed, tape-recorded, printed, photostated, photographed or recorded by any other method.

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

[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

11. It is found that the requested records are public records within the meaning of §§1-200(5) and 1-210(a), G.S.

12. Pursuant to §§1-212(a) and 1-212(d)(1), G.S., the respondents are permitted to charge a fee for copies of public records, in the amount of \$.50 per page, unless the person requesting the records is indigent.

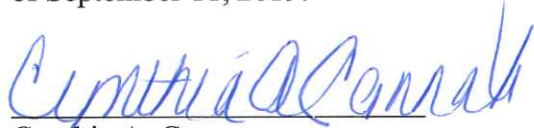
13. In this case, it is found that the respondents did not provide a copy of the requested records to the complainant because he did not pay the copying fee, and did not demonstrate that he was indigent at the time of the request.

14. Based on the foregoing, it is concluded that the respondents did not violate §§1-210(a) or 1-212(a), 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 dismissed.

Approved by Order of the Freedom of Information Commission at its regular meeting of September 11, 2019.



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:

JEAN CONQUISTADOR, #341088, Garner Correctional Institution, 50 Nunnawauk Road, Newtown, CT 06470

CHIEF, POLICE DEPARTMENT, CITY OF MERIDEN; AND POLICE DEPARTMENT, CITY OF MERIDEN, c/o Attorney Kathleen M. Foster, City of Meriden, Law Department, 142 East Main Street, Meriden, CT 06450



Cynthia A. Cannata
Acting Clerk of the Commission