



# FREEDOM OF INFORMATION



Connecticut Freedom of Information Commission • 18-20 Trinity Street, Suite 100 • Hartford, CT 06106  
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Michelle Sabre,  
Complainant(s)  
against

Notice of Meeting

Docket #FIC 2012-167

Chief, Police Department, Town of Milford; and  
Police Department, Town of Milford,  
Respondent(s)

August 24, 2012

## 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, September 12, 2012**. 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 August 31, 2012**. 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, the Commission requests that an **original and fourteen (14) copies** be filed **ON OR BEFORE August 31, 2012**. 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 **fourteen (14) copies** be filed **ON OR BEFORE August 31, 2012**, 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

W. Paradis

Acting Clerk of the Commission

Notice to: Michelle Sabre  
Debra S. Kelly, Esq.

2012-08-24/FIC# 2012-167/Trans/wrbp/SDL/GFD/TAH

FREEDOM OF INFORMATION COMMISSION  
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

Report of Hearing Officer

Michelle Sabre,

Complainant

against

Docket #FIC 2012-167

Chief, Police Department, Town of  
Milford; and Police Department, Town of  
Milford,

Respondents

August 22, 2012

The above-captioned matter was heard as a contested case on August 15, 2012, at which time the complainant and 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 on March 3, 2012, the complainant requested a copy of a statement provided to the respondents by her neighbor pertaining to case number 2011-006757, concerning an incident that occurred on September 10, 2011.
3. It is found that on March 3, 2012, the respondents denied the complainant's request.
4. By letter of complaint filed March 25, 2012, the complainant appealed to the Commission, alleging that the respondents violated the Freedom of Information ("FOI") Act by failing to provide her with a copy of the records she requested.
5. 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.
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 ... receive a copy of such records in accordance with the provisions of 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 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.

9. It is found that the respondents provided all records that they maintain concerning the incident described in paragraph 2, above, except for the statement by the complainant’s neighbor. In particular, it is found that the respondents provided the complainant’s statement, the incident report, the supplemental report, and the reporting officer’s narrative. It is found that the respondents did not provide a copy of the complainant’s 911 call because it had already been erased in accordance with records retention guidelines by the time the complainant requested a copy.

10. The respondents claim the neighbor’s signed statement is exempt from mandatory disclosure because it is a signed statement of a witness.

11. Section 1-210(b)(3)(B), G.S., provides that disclosure is not required of “[r]ecords of law enforcement agencies not otherwise available to the public which records were compiled in connection with the detection or investigation of crime, if the disclosure of said records would not be in the public interest because it would result in the disclosure of ... (B) signed statements of witnesses ...”

12. The complainant contends that her neighbor’s statement is not a signed statement of a *witness* because, the complainant alleges, the neighbor is the perpetrator of wrongdoing.

13. Section 1-210(b)(3), G.S., does not define the word “witness;” however, its generally accepted meaning is “one who has personal knowledge of something.” <http://www.merriam-webster.com/dictionary/witness>; accessed August 15, 2012.

14. It is found that the complainant’s neighbor is a witness, within the meaning of §1-210(b)(3)(B), G.S.

15. It is found that the record that the respondents withheld from the complainant is a signed statement of a witness.

16. It is also found that the record was compiled in connection with the investigation of crime.

17. It is concluded, therefore, that such record is exempt from mandatory disclosure.

18. It is concluded that the respondents did not violate the FOI Act by withholding such records from the complainant.

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.



Sherman D. London  
as Hearing Officer