

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

Patricia Kane,

Complainant

against

Docket # FIC 2017-0413

Leroy Williams, Chairman,
Community and Police Task Force,
City of New Haven; Community and Police
Task Force, City of New Haven; and City of
New Haven,

Respondents

March 28, 2018

The above-captioned matter was heard as a contested case on October 2, 2017, 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 the City of New Haven commissioned the respondent Community and Police Task Force (“Task Force”) to address community and police relations in New Haven in an effort to improve community based policing. Among other responsibilities, the Task Force was responsible for assessing and evaluating community based policing, reviewing police department policies and procedures, and making recommendations to the Mayor and Board of Police Commissioners on how to improve community and police relations.
3. By letter dated July 18, 2017, and filed on July 20, 2017, the complainant appealed to the Commission, alleging that the respondents violated the Freedom of Information (“FOI”) Act by requesting that the complainant identify herself and explain the reasons for her attendance at the Task Force’s July 13, 2017 meeting. The complainant also alleged that the respondents entered into executive session for an improper purpose at such meeting. In addition, the complainant requested that the Commission declare the Task Force’s work null and void, order the Task Force to produce all records of its meetings and work to date, and impose civil penalties. Subsequently, at the hearing in this matter, the complainant explained that it was not her intention to request a civil penalty against Dr. Leroy Williams, the Chairman of the Task Force, but rather against the City of New Haven, and withdrew her request for civil penalties.

4. Section 1-225(a), G.S., provides, in relevant part, that: “[t]he meetings of all public agencies, except executive sessions, as defined in subdivision (6) of section 1-200, shall be open to the public....”

5. Section 1-200(6), G.S., provides:

“Executive sessions” means a meeting of a public agency at which the public is excluded for one or more of the following purposes: (A) Discussion concerning the appointment, employment, performance, evaluation, health or dismissal of a public officer or employee, provided that such individual may require that discussion be held at an open meeting; (B) strategy and negotiations with respect to pending claims or pending litigation to which the public agency or a member thereof, because of the member’s conduct as a member of such agency, is a party until such litigation or claim has been finally adjudicated or otherwise settled; (C) matters concerning security strategy or the deployment of security personnel, or devices affecting public security; (D) discussion of the selection of a site or the lease, sale or purchase of real estate by the state or a political subdivision of the state when publicity regarding such site, lease, sale, purchase or construction would adversely impact the price of such site, lease, sale, purchase or construction until such time as all of the property has been acquired or all proceedings or transactions concerning same have been terminated or abandoned; and (E) discussion of any matter which would result in the disclosure of public records or the information contained therein described in subsection (b) of section 1-210.

6. It is found that the Task Force held a meeting on July 13, 2017 (“July 13th meeting”). It is found that the following items were on the agenda for such meeting:

1. Introduction and Overview Dr. Leroy Williams, Chair
 - i. Where we Are
2. New Business – Strategic Planning Chief Anthony Campbell,
Sgt. Shafiq Abdussabur, NHPD

7. With respect to the allegation of an improper executive session, the respondents argued that the purpose for going into executive session at the July 13th meeting was to discuss “contractual issues,” unrelated to collective bargaining. The respondents also testified that they were unaware that the purposes for which an agency can enter into executive session were limited, and acknowledged that there was a need for the Task Force to receive FOI training.

8. It is found that the respondents failed to prove that they entered into executive session for a purpose permitted under §1-200(6), G.S. Accordingly, it is concluded that the respondents violated §1-225(a), G.S.

9. With respect to the allegation that the complainant was improperly asked to identify herself and explain the reasons for her attendance at the July 13th meeting, §1-225(e), G.S., provides, that:

[n]o member of the public shall be required, as a condition to attendance at a meeting of any such body, to register the member's name, or furnish other information, or complete a questionnaire or otherwise fulfill any condition precedent to the member's attendance.

10. It is found that certain Task Force members told the complainant to sign in, identify herself, and explain why she was present at the July 13th meeting. The complainant testified that when she refused, a Task Force member openly identified the complainant by name and occupation. According to the complainant, the Task Force members created a hostile atmosphere. Not wanting to invite further hostility, the complainant signed the sign-in sheet.

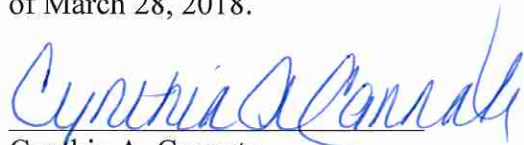
11. It is found that, although the Task Force passes around a sign-in sheet at its meetings, attendance at such meetings, including the July 13th meeting, is not conditioned on signing the sheet. However, it is also found that the respondents imposed an improper precondition of attendance at the July 13th meeting when certain members asked the complainant to identify herself and provide a reason for her attendance. It is therefore concluded that the respondents violated §1-225(e), G.S.

12. Notwithstanding the conclusions in paragraphs 8 and 11, above, the Commission, in its discretion, declines to declare null and void the actions taken at the July 13th meeting, and to order the Task Force to produce all records of its meetings and work to date, as requested by the complainant.

The following order by the Commission is hereby recommended on the basis of the record concerning the above-captioned complaint:

1. Henceforth, the respondents shall strictly comply with the requirements of §1-225, G.S.
2. The Commission notes that, four weeks after the hearing in this matter, on November 2, 2017, a member of the FOI Commission staff conducted a workshop to educate the respondents about the requirements under the FOI Act.

Approved by Order of the Freedom of Information Commission at its regular meeting of March 28, 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:

PATRICIA KANE, Law Office of Patricia Kane LLC, 360 State Street, Apt. 922, New Haven, CT 06510

LEROY WILLIAMS, CHAIRMAN, COMMUNITY AND POLICE TASK FORCE, CITY OF NEW HAVEN; COMMUNITY AND POLICE TASK FORCE, CITY OF NEW HAVEN; AND CITY OF NEW HAVEN, c/o Attorney Kathleen Foster, City of New Haven, 165 Church Street, New Haven, CT 06510



Cynthia A. Cannata
Acting Clerk of the Commission