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# FREEDOM OF INFORMATION



Connecticut Freedom of Information Commission · 18-20 Trinity Street, Suite 100 · Hartford, CT 06106  
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Torrey Townsend,  
Complainant(s)  
against

Notice of Meeting

Docket #FIC 2014-522

Chief, Police Department, City of New Haven; Police  
Department, City of New Haven; and City of New Haven,  
Respondent(s)

May 14, 2015

### 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, June 10, 2015**. 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 May 29, 2015**. 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 May 29, 2015**. **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 May 29, 2015**, 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: Torrey Townsend  
Kathleen Foster, Esq.

2015-05-14/FIC# 2014-522/Trans/wrbp/VRP//KKR

FREEDOM OF INFORMATION COMMISSION  
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

Report of Hearing Officer

Torrey Townsend,

Complainant

against

Docket #FIC 2014-522

Chief, Police Department, City of  
City of New Haven; Police Department,  
City of New Haven; and  
City of New Haven,

Respondents

May 14, 2015

The above-captioned matter was heard as a contested case on February 23, 2015, at which time the complainant and the respondents appeared and stipulated to certain facts. This matter was consolidated for hearing with Docket #FIC 2014-488, *Torrey Townsend v. Chief, Police Department, City of New Haven et al.*

After consideration of the entire record, the following facts are found and conclusions of law are reached:

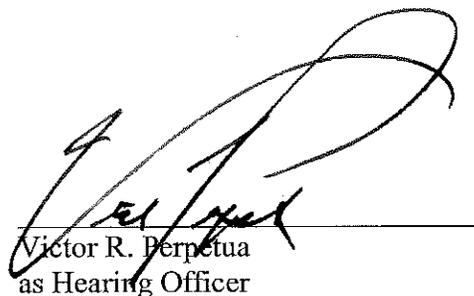
1. The respondents are public agencies within the meaning of §1-200(1), G.S.
2. By letter of complaint filed August 6, 2014, the complainant appealed to the Commission, alleging that the respondents violated the Freedom of Information ("FOI") Act by failing to comply with her requests for a fee waiver.
3. Section 1-212(d)(1), G.S., provides that a "public agency shall waive any fee provided for in this section when ... [t]he person requesting the records is an indigent individual ...."
4. At the hearing the parties stipulated, and it is found, that the complainant received all the records she requested, but there was a delay and her request was not responded to promptly. The reason for the lack of promptness was the lack of a policy with respect to indigent persons who are not inmates. The New Haven Records Unit indigence policy only extended as far as inmates and the Public Defenders' office, and it did not have a policy that addressed requests for records from indigent persons who were not inmates or clients of public defenders. For that reason there was some time that elapsed prior to getting all the records to the complainant. The New Haven Records Unit is in the process of developing a policy that will probably essentially be a federal poverty standard as demonstrated by a tax return.

5. The complainant did not allege or testify that she was required to pay for the copies of the records that were provided to her; and the issue of the lack of promptness of the provision of the records to her has been addressed in Docket #FIC 2014-488, *Torrey Townsend v. Chief, Police Department, City of New Haven et al.*

6. Consequently, based on the facts and circumstances of this case, it is concluded that the respondents did not violate §1-212(d)(1), G.S.

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

1. The complaint is dismissed.



Victor R. Perpetua  
as Hearing Officer