FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by FINAL DECISION

Tyronne Pierce,

Complainant

against Docket #FIC 2016-0516

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

Respondents May 24, 2017

The above-captioned matter was heard as a contested case on January 31, 2017, at which time the complainant and the respondents appeared, stipulated to certain facts 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 et al, 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. By letter of complaint filed July 13, 2016, the complainant appealed to the Commission, alleging that the respondents violated the Freedom of Information ("FOI") Act by denying his request for certain records concerning an unrelated complaint.

3. It is found that the complainant made a June 20, 2016 request for records relating to a complaint made by the complainant to the respondent Police Department about the respondent Chief on February 9, 2016. With respect to that February 9, 2016 complaint, the complainant requested:

a. The file number assigned to his complaint;
b. The name of the investigator and the report of the investigator;
c. The agency and name of the person to whom the respondents forwarded his complaint; and
d. The paperwork forwarding his complaint.

4. It is found that the respondent Chief replied on July 14, 2016, informing the complainant that no file number was assigned to his February 9, 2016 complaint; that the Chief himself had reviewed the complaint; that no report was generated; and that the complaint had not been forwarded to anyone.

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

> "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, or to which a public agency is entitled to receive a copy by law or contract under section 1-218, 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 (1) inspect such records promptly during regular office or business hours, (2) copy such records in accordance with subsection (g) of section 1-212, or (3) receive a copy of such records in accordance with section 1-212.

7. 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."

8. It is found that there are no public records within the meaning of §§1-200(1), 1-210(a) or 1-212(a), G.S., that are responsive to the complainant's request.

9. It is concluded that the respondents did not violate the FOI Act as alleged.

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 May 24, 2017.

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:

Tyronne Pierce #176388
Osborn Correctional Institution
P.O Box 100
Somers, CT 06071

Chief, Police Department, Town of Putnam; and
Police Department, Town of Putnam
189 Church Street
Putnam, CT 06260

Cynthia A. Cannata
Acting Clerk of the Commission

FIC/2016-0516/FD/cac/5/24/2017