

FREEDOM OF INFORMATION COMMISSION  
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

GerJuan Tyus,

Complainant

against

Docket #FIC 2018-0640

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

Respondents

April 24, 2019

The above-captioned matter was heard as a contested case on March 26, 2018 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 November 9, 2018, the complainant appealed to the Commission, alleging that the respondents violated the Freedom of Information (“FOI”) Act by denying his request for “any and all reports related to Det. Richard Curcuro regarding the cell phone analysis in case #06-005136.”
3. It is found that the complainant made an October 21, 2018 request to the respondents for “any and all reports related to Det. Richard Curcuro regarding property control number 061329 case 06005136 ... [and] any and all papers surrounding incident case #06-005136 property control number 061329 regarding Det. Richard Curcuro.”
4. 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.

5. 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.

6. 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.”

7. The respondents contended that the complainant did not in his October 21, 2018 request ask for records regarding cell phone analysis, as alleged in his complaint, and that those specific records were the subject of a complaint that has been withdrawn.

8. It is found that the complainant’s October 21, 2018 request is ambiguous, as it may or may not be read to encompass the specific records of cell tower analysis raised in the complaint in this matter.

9. It is found that the complainant, also made a specific and unambiguous November 19, 2018 request for reports “regarding the narrative reports related to the cell tower analysis regarding case #065136/property #061329.”

10. It is found that the complainant filed an appeal with the Commission concerning his November 19, 2018 request that was docketed as FIC 2018-0728, Tyus v. New London et al.

11. It is found that the complainant withdrew his complainant in FIC 2018-0728 on March 14, 2019.

12. It is found that the respondents reasonably understood the issue of the complainant’s request for reports related to cell tower analysis to have been resolved in the case that the complainant withdrew.

13. The Commission in its discretion declines in this case to re-address the request raised and withdrawn in FIC 2018-0728.

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 April 24, 2019.

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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:

**GERJUAN TYUS, #300985**, Corrigan-Radgowski CC, 986 Norwich-New London Tpke., Uncasville, CT 06382

**CHIEF, POLICE DEPARTMENT, CITY OF NEW LONDON; POLICE DEPARTMENT, CITY OF NEW LONDON; AND CITY OF NEW LONDON**, c/o Attorney Brian K. Estep, Conway, Londregan, Sheehan & Monaco, P.C., 38 Huntington Street, P.O. Box 1351, New London, CT 06320

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Cynthia A. Cannata  
Acting Clerk of the Commission