

**State of Connecticut Freedom of Information Commission hearing  
May 28, 2025**

**Docket #FIC 2024-0306; Lisa M. Smith v. Chief, Police Department, Town of East Hartford; Police Department, Town of East Hartford; and Town of East Hartford**

**Oral Argument – Complainant Lisa M. Smith**

Good afternoon members of the Commission. Thank you for hearing my case today.

The reason I am in front of you today is because I saw something on the evening of March 4, 2024; I saw a wrong that had greater implications, affecting those who don't have the means to fight. I wanted more information about what I saw.

So, I made three requests to the agency that is the custodian of that information, as is my right as a U.S. citizen. I followed procedure, I paid my fee and maintained open lines of communication. I was so committed to righting this wrong that I did this all from Virginia, coming back and forth to Connecticut to see this through at great expense.

Respondents were well aware I live in Virginia, and though I didn't expect special accommodations, what I did expect was respect for me, my time and in the handling of my requests. Instead, my background as a veteran with a security clearance has been ridiculed as well as my closing argument for not citing case law. I've been accused of being inflexible. And I've been gaslighted into thinking I was the confused one about data I received for one of the requests.

Now, here's the kicker to this whole mess: all the respondents had to do was communicate. Sounds so simple, doesn't it? If they didn't have the ability to fulfill the requests, all they had to do was send a letter saying so, denying the request, which would be in accordance with Connecticut Statute Section 1-206 that gives them the right to deny me in writing within a certain time period. Even if the denial letter was sent 30 days later, the respondents would still be covered under this statute because the promptness factor would be considered if they were accused of failure to comply.

The word prompt means different things to different people. As the saying goes, what is one man's meat is another man's poison. This word has been problematic over the years for FOI cases, so much so that the Commission was asked to speak on it, which they did through Advisory Opinion #51, filed in January 1982. I cite the following from that opinion:

The Commission believes that timely access to public records by persons seeking them is a fundamental right conferred by the Freedom of Information Act. Providing such access is therefore as much a part of their mission as their other major functions. Although each agency must determine its own set of

priorities in dealing with its responsibilities within its limited resources, providing access to public records should be considered as one such priority. Thus, it should take precedence over routine work that has no immediate or pressing deadline.

The respondents could have made the argument that limited resources and pressing deadlines led to the delay. Instead, they did nothing and communicated nothing until eight months later. But again, we come back to the simple fact that all the respondents had to do was communicate. Advisory Opinion #51 states:

The Commission believes that if an agency politely explains to a person seeking access to records why immediate compliance is not possible, that person will most likely understand and appreciate the agency's obligation to balance its duties as custodian of public records with its other duties. And as long as it appears to that person that the agency is not trying to unduly delay compliance, or impose unnecessary restrictions, he or she will most likely try to accommodate the agency.

And I did this in September 2024 for the second request. I agreed to reduce the time period by a year. Yet, I was characterized as being unreasonable. These unduly delays and the respondents' 90-day retention policy for such footage greatly impacted the availability of the footage requested.

A fundamental principle in our justice system is that when you bring a claim to the court for consideration and ruling, you must present evidence to back up that claim. I had a claim and at the September 17 hearing, I brought exhibits, evidence, to support my claim. Without that evidence, my claim has little merit.

Yet, respondents want to make a claim that the remaining footage for the third request is exempt from public view under Connecticut Statute Section 1-210 (3) because there are active criminal cases on them. They submitted no evidence to support this claim, yet they expect the Commission to accept their claim as true.

While the laws that govern criminal justice are different from those that govern the right to access public information, they are laws nonetheless and they must be followed and if they aren't, there are consequences. This is another fundamental principle of our justice system.

Which brings me to the second tattoo that's right under Nemesis: Fiat Justitia, Ruat Caelum, which is Latin means, "Let justice be done though the heavens may fall." Our entire justice system is built on actions and consequences. Laws were put in place to keep our base desires in check, to keep order, and on a simpler level, to hopefully prevent us from harming each other.

The respondents' actions showed a lack of compliance with the laws and regulations that govern FOI requests. And as a law enforcement agency whose main responsibility is to obey and enforce rules and regulations, they must be held accountable.

It's clear from the timeline and from my actions versus the actions of the respondents that there is only one possible conclusion to this case: the respondents violated Section 1-19(a) due to failure to fully comply with the requests, failure to submit proof to substantiate their claim of exemption and lack of promptness and responsiveness that led to unavailable footage.

It is for these reasons that a civil penalty be imposed against the respondents. And as a former educator in this state, I concur with hearing officer McGee's recommendation of mandatory training in FOI requests to minimize such instances from occurring in the future. Attention should also be paid to their retention policies for footage and whether those policies are being followed.

I want to leave you with a quote from Thomas Jefferson, which is on the interior frieze of the Manchester Superior Courthouse: "Laws are made for men of ordinary understanding and should therefore be construed by the ordinary rules of common sense. Their meaning is not to be sought for in metaphysical subtleties."

This concludes my oral argument. Thank you for your time.