

**STATE OF CONNECTICUT
FREEDOM OF INFORMATION COMMISSION**

Katherine Revello and Connecticut)	
Inside Investigator,)	June 30, 2025
)	
Complainants,)	Docket # FIC 2024-0808
)	
against)	
)	
Chief, Police Department, Town of)	
Manchester; Police Department,)	
Town of Manchester; and Town of)	
Manchester,)	
)	
Respondents)	

COMPLAINANT’S REPLY TO RESPONDENTS’ POST-HEARING BRIEF

The Manchester Police Department’s brief fails to establish that the records requested by Complainant Katherine Revello are exempt under FOIA. At the evidentiary hearing, the Department (“MPD”) argued only that the records were exempt from disclosure as law enforcement records “compiled in connection with the detection or investigation of crime” that would disclose “investigatory techniques not otherwise known to the general public.” Conn. Gen. Stat. § 1-210(b)(3)(E). MPD’s witnesses, however, provided no evidence that any investigatory technique would be disclosed in the records sought by Ms. Revello. The cursory discussion of § 1-210(b)(3)(E) in MPD’s brief similarly fails to explain how disclosure would reveal any unknown investigatory technique. The records at issue were not even compiled to detect or investigate crime—they consist of bulk data generated by automated license plate readers (“ALPRs”) recording every vehicle passing by, without regard to any criminal investigation or the detection of criminal activity.

MPD's brief now argues that Ms. Revello's "written request as drafted was impermissibly vague and required [MPD] to conduct research/exercise discretion to determine what records fell within the scope of the request." Respondents' Post-Hearing Brief ("MPD Br.") at 3. However, the record reflects that an MPD representative understood the request and affirmatively testified to having identified responsive records. Hearing Audio Transcript ("Tr.") at 28:10-28:34. MPD's brief does not explain the claimed vagueness; instead, it points only to FOIC Hearing Officer McGee's questions clarifying the specific data generated by ALPRs. *See* MPD Br. at 3-4.

MPD's brief equally fails to support the premise that it can refuse to comply with Ms. Revello's request because a response requires "research." The request simply requires MPD to search for and download information from its ALPR database, and courts have rejected the notion that a typical records search—even a burdensome one—requires "research." *Wildin v. FOIC*, 56 Conn. App. 683, 686-87 (2000).

The Connecticut Freedom of Information Act imposes a strong presumption in favor of disclosure, and MPD has failed to meet its statutory burden to prove that the requested records are exempt. The Commission should require MPD to disclose the requested records.

ARGUMENT

I. MPD Fails to Justify Nondisclosure Under Section 1-210(b)(3)

Ms. Revello's request does not fall within the law enforcement exemption for records that are compiled in connection with the detection or investigation of crime and that would reveal investigatory techniques unknown to the general public. Conn. Gen. Stat. § 1-210(b)(3)(E). As a threshold matter, the requested ALPR data was not compiled in connection with the detection or investigation of a particular crime. Instead, the ALPR cameras operate continuously and compile data for every car, irrespective of any investigation or detection of criminal activity. Tr. 1:04:50-

1:06:16. As MPD's witness testified, the "vast majority" of the requested data is unrelated to any investigations and is linked to innocent passersby. Tr. at 1:13:19-1:13:24; *see also* MPD Br. at 6 (asserting that MPD officers receive alerts from the ALPR system only in "limited circumstances"). The backend ALPR database is not compiled in connection with any specific crime: it is merely "bulk data that might become relevant to an investigation later." Tr. 1:16:14-1:16:23.

Further, neither MPD's witnesses nor MPD's brief identified any unknown investigatory technique that would be revealed from disclosure of the ALPR data. In fact, MPD's witness Captain Matthew Pace testified that "investigative steps" taken by MPD are not reflected in the ALPR database. Tr. at 1:15:28-1:16:23. Any such "investigative steps" are documented elsewhere, in records not sought by Ms. Revello's request. *Id.*

MPD's vague and conclusory assertions do not suffice to justify withholding the bulk surveillance data it is collecting. FOIA heavily favors public access to government records and requires disclosure as the "statutory norm." *Dir., Dep't of Info. Tech. of Town of Greenwich v. FOIC*, 274 Conn. 179, 187 (2005); *Wilson v. FOIC*, 181 Conn. 324, 328 (1980) ("The Freedom of Information Act expresses a strong legislative policy in favor of the open conduct of government and free public access to government records."); *Tompkins v. FOIC*, 136 Conn. App. 496, 507 (2012) ("public policy favors the disclosure of public records"). Allowing MPD to shield its ALPR data from disclosure simply because it "might become relevant" as "one piece" of a speculative future investigation would defeat FOIA's goal of open access on matters of public concern. Tr. 1:16:14-1:16:23; MPD Br. at 6.

II. Ms. Revello's Request as Drafted is Not Impermissibly Vague

MPD has not shown that Ms. Revello's FOIA request is impermissibly vague. At most, Connecticut's FOIA statute requires only that requests be specific enough to allow a public agency to identify and locate the records sought. *Conn. Dep't. of Pub. Safety v. FOIC*, Nos. CV 960565902, CV 960565901, 1997 WL 537117, at *3 (Conn. Super. Ct. Aug. 25, 1997), *aff'd* 247 Conn. 341 (1998) (citing federal FOIA requirement that request must "enable the searching agency to determine precisely what records are being requested").¹ Ms. Revello's request satisfies this requirement. It details the specific records sought, their source, and their time frame. *See* Complainant's Exhibit A. During the evidentiary hearing, neither of MPD's witnesses testified that they were unable to determine the records that Ms. Revello's request sought. To the contrary, MPD's witness James White testified that he understood MPD to have responsive records. Tr. at 28:10-28:34. Further, neighboring police departments promptly fulfilled Ms. Revello's identical requests without raising any issues of vagueness, Tr. at 11:20-11:33, and MPD never contacted Ms. Revello to clarify what she was requesting.

MPD also fails to explain how Ms. Revello's request is supposedly vague. Instead, MPD simply quotes a portion of the hearing testimony during which FOIC Hearing Officer McGee asked for clarification on the kinds of data captured by ALPRs, then asserts that the quoted questioning means MPD "necessarily would have had to exercise discretion" to respond to Ms. Revello's request. MPD Br. at 3-5. But the fact that the Hearing Officer asked for examples of the kinds of data ALPRs generate does nothing to suggest that "the *searching agency*" was unable to determine "precisely what records are being requested." *Dep't of Pub. Safety*, 1997

¹ On appeal, the Connecticut Supreme Court stated that it did not endorse the superior court's reasoning, so it remains unclear whether Connecticut FOIA law borrows the quoted provision from the federal FOIA. *See* 247 Conn. at 342.

WL 537117, at *3 (emphasis added). MPD knows what kinds of data its ALPRs generate, and its witnesses testified to as much. *See, e.g.*, Tr. at 58:57-1:00:00.

III. MPD May Not Withhold the Requested Records Under Any Purported “Research” Exemption

FOIA does not articulate a statutory exemption for requests requiring research, and courts have expressed skepticism that requests can generally be denied if they require some research. *See Wildin v. FOIC*, No. CV 970572290, 1998 WL 345539, at *3 (Conn. Super. Ct. June 17, 1998); *see also Wildin*, 56 Conn. App. at 686 n.4 (affirming and reserving this question). MPD cites no stronger precedent than *Wildin* to support its premise. *See* MPD Br. at 3.

But even if the Commission reads *Wildin* to allow agencies to reject some FOIA requests because they require research, Ms. Revello’s request requires no research. It requires MPD to exercise no “discretion as to whether the records f[a]ll within the plaintiff’s request,” *id.* at 686-87, nor to perform any “evaluation of records . . . and a subsequent communication of that evaluation,” *Boster v. FOIC*, No. HHBCV196052569, 2021 WL 6426774, at *2 n.3 (Conn. Super. Ct. Dec. 13, 2021) (finding that FOIA required agency to produce responsive documents but did not require agency to “confirm whether or not the requested documents are evidence of which party inserted [a certain provision into a contested contract]”).

Here, Ms. Revello’s request specifically asks for “license plate data generated by automatic license plate readers in the past 30 days.” Complainant’s Exhibit A. Just like the plaintiff in *Wildin*, Ms. Revello specifically identified the records she wished to obtain. 56 Conn. App. at 686-87. In fact, the plaintiff’s request in *Wildin* was much broader than Ms. Revello’s request. *See id.* at 684-85. MPD does not need to do research to produce the records Ms. Revello seeks; all it needs to do is search for and download the bulk ALPR data from its database. The fact that this process may be burdensome does not mean that it requires research, and it does not

justify exemption. *Id.* at 687 (“A record request that is simply burdensome does not make that request one requiring research.”).²

CONCLUSION

For the reasons set forth above and in Complainants’ Post-Hearing Brief, the Commission should find that MPD failed to meet its burden to claim any FOIA exemption and should require MPD promptly to disclose the withheld records.

Dated: June 30, 2025

² MPD asserts, both in its testimony and its brief, that the volume of data sought by the request would impose a burden on the Department. *See, e.g.*, Tr. 17:40-22:04, 31:35-35:45; MPD Br. at 7. But a FOIA request cannot be ignored simply because responding to it would be burdensome. *See Town of Franklin Assessor v. FOIC*, No. CV 970113250, 1998 WL 305420, at *4 (Conn. Super. Ct. June 2, 1998) (“The administrative burden imposed . . . does not free [an agency] from its obligations under the FOIA.” (citing *Glastonbury Educ. Ass’n v. FOIC*, 234 Conn. 704, 714 (1995))). Moreover, MPD’s assertions of burden appear to be based on a flawed understanding of its ALPR system. For example, MPD apparently argues that it is “virtually impossible” to download spreadsheets for an entire 30-day period before the data is purged. MPD Br. at 7. But this assumes the unlikely premises that its ALPR provider purges an entire 30-day batch of data on a single day—rather than on a daily, rolling basis—and that it cannot preserve data beyond 30 days under any circumstances. Further, it is based on the flawed assertion that it would take “1600 hours” to download 30 days of alphanumeric spreadsheets. *See* MPD Br. at 7; Complainant’s Post-Hearing Brief at 23 n.10, 23 n.11 (explaining the problems with these assertions).