

DOCKET NO: FIC 2019-0450: : STATE OF CONNECTICUT
: :
SARAH BRAASCH, : : FREEDOM OF INFORMATION
: : COMMISSION
VS. : : Hearing Officer: Danielle McGee
: :
ASSISTANT CHIEF, YALE UNIVERSITY : : January 3, 2020
POLICE DEPARTMENT; and YALE : :
UNIVERSITY POLICE DEPARTMENT. : :

COMPLAINANT’S POST-HEARING LEGAL BRIEF

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MEMORANDUM

Complainant, Sarah Braasch, hereby submits her post-hearing legal brief, in accordance with the December 2, 2019 Order to Parties to Submit Briefs, in support of her claim for disclosure of a May 8, 2018 video in the records of the Respondent, Yale University Police Department (“YUPD”).¹ In support hereof, Complainant states as follows:

1.0 Factual Background

Complainant is a Ph.D. candidate at Yale University.² During the Spring of 2018, she lived by herself on the 12th Floor of the Hall of Graduate Studies (“HGS”) on campus; no other students lived on that floor. Across the hall from her room is a common room.

1.1 Ms. Braasch was Repeatedly Faced with Fear-Inducing Encounters

In April 2016, Ms. Braasch, then residing in Harkness Hall, she had an unpleasant encounter with some loud and drunk students, who called her a “bitch” for objecting to their 3 a.m. noise. Within days, her door was defaced. In response, she contacted YUPD and Yale Housing, who advised her that she was free to contact YUPD for any reason. *See* Complainant’s Exhibit F. In February 2017, she believed her room had been entered in her absence and notified housing

¹ The Assistant Chief is nominally designated as a party-Respondent.

² The facts set forth in this Brief are based upon the testimony of Complainant and YUPD Chief Ronnell Higgins at the November 4, 2019 hearing, as well as the exhibits introduced therein. This includes the reports and communications appearing at Complainant’s Exhibits D & F, which were marked for identification, but they were not admitted into evidence by the Hearing Officer, sustaining Respondent’s objection. Complainant hereby requests reconsideration of that ruling.

The rules of evidence in this proceeding are liberal. “[A]dministrative tribunals are not strictly bound by the rules of evidence and [] they may consider evidence which would normally be incompetent in a judicial proceeding, as long as the evidence is reliable and probative. There is moreover no specific prohibition against hearsay evidence in the Uniform Administrative Procedure Act, which provides that ‘[a]ny oral or documentary evidence may be received, but [that] the agency shall, as a matter of policy, provide for the exclusion of irrelevant, immaterial or unduly repetitious evidence.’ General Statutes § 4-178 (1).” *Jutkowitz v. Dep’t of Health Servs.*, 220 Conn. 86, 108 (1991)(internal citations omitted). Here, the exhibits are both probative and reliable. There is no dispute as to their authenticity. Although the Hearing Officer indicated she was not admitting it because she did not “believe [she] need[ed] it for [her] purposes” And, they are probative of the underlying events giving rise to Complainant’s call to YUPD, the response to which appears on the videos at issue, as well as being probative of the non-confidential nature of the material.

Complainant is also aware of Respondent’s November 19, 2019, submission of the body camera footage at issue, though it is mischaracterized as an “investigation of Complainant’s uncorroborated allegations of criminal activity” for the reasons set forth herein.

staff. After multiple concerning incidents, she made a report to Yale Housing. Yale Housing found these unauthorized entries were committed by a maintenance employee. *See id.* Complainant, however, was never provided a satisfactory explanation as to why he did so without warning or a full accounting of his activities.

On February 24, 2018, a then-unknown individual who did not reside in HGS followed her onto the elevator and sought to go to the 12th floor. As Ms. Braasch was the only person who lived on that floor, she was concerned, as she was not expecting guests, and she had no information regarding the infrequently-used common room on that floor. Ms. Braasch suffers from PTSD, and out of fear, she exited the elevator early, but the man did not head straight for the common room. Instead, she found him on the stairwell. He claimed that he could not find the common room—one of only two rooms on the floor he was already heading to. *See* Complainant’s Exhibit D.

Given these facts, she became nervous and called YUPD. The man, Reneson Jean-Louis, was, in fact, invited to the common room by a resident, Ololade Siyonbola a/k/a Lolade Siyonbola.³ YUPD established he was properly there, but Complainant, a civil rights activist, was then treated as racist because Mr. Jean-Louis happened to be African-American. Mr. Jean-Louis and Ms. Siyonbola thereafter filed a complaint with Yale University. Ms. Braasch subsequently felt she was being harassed and retaliated against by housing staff, which started booking loud, late-night parties in the previously-infrequently-used common room. Unknown individuals routinely rattled her door handle, frightening her, which she reported to YUPD.

1.2 Ms. Braasch Discovers an Unknown Individual Awaiting Her on Her Floor

On May 8, 2018, in the early morning hours, Complainant discovered an individual sleeping in the common room; such was not a proper use of it. The individual, Ms. Siyonbola,

³ These names are known to Complainant and there is no lawful basis for Respondents to insist that they not be referred to by name. To abide Respondents’ position and/or make any decision adverse to Complainant on that basis is an affront to the First Amendment and Art. 1, Sec. 5 of the Connecticut Constitution. Complainant knew their names from publicly available information; even if she did not, she is not bound by any law that might preclude her from using their names, even if Respondents might themselves be so bound.

seemingly waking upon Complainant advising her that sleeping there was not permitted, responded “Hey, aren’t you the person who called the cops on that party?” Complainant then became concerned that Ms. Siyonbola’s improper presence in the common room (even if she was otherwise entitled to use it) was meant to intimidate her, consistent with the months of harassment she had endured. Complainant had been advised by Yale and YUPD that she could call for any reason where she felt their assistance would be helpful, not merely to report criminal activity. Thus, she called YUPD Non-Emergency Telephone Line for assistance,⁴ not to report Ms. Siyonbola for criminal activity, but to prevent future harassment.

Respondent’s officers showed up, and the video footage that is the subject of the instant Freedom of Information request was recorded. In that encounter, which should be revealed on the video footage, Complainant pleaded with the officers to listen to her, and explained that she called because she had been repeatedly harassed, a fact known to Dean Lynn Cooley. The video will reveal Complainant asked the officers to speak with Dean Cooley and review YUPD Officer Grace Schenke’s prior police reports detailing the incidents of harassment.

Millions of people subsequently watched an entirely different video: a partial version of the events (dubbed the “napping while black” incident) recorded by Ms. Siyonbola. Complainant has endured false accusations of racism and was even threatened with expulsion by Yale. Complainant desires to clear her name, by ensuring that a full, unedited account of the events is revealed.

1.3 Ms. Braasch Files Her Freedom of Information Request

On May 23, 2019, Complainant sent an email making a request to inspect and copy under Conn. Gen. Stat. § 1-210 to YUPD Chief Ronnell Higgins “making an official freedom of information act request for the Yale Campus Police Body Camera Footage of [Complainant] from May 8th, 2018.” Later that day, YUPD Assistant Chief Steven D. Woznyk responded by email to Complainant to “serve[] as confirmation that the Yale University Police Department is in receipt

⁴ This unique, dedicated non-emergency number is identified at Complainant’s Exhibit A. Individuals with face with police emergencies are directed to call “911” instead.

of and reviewing” Complainant’s said freedom of information request, and identifying YUPD Captain William Kraszewski as an appropriate contact person.

Complainant has a sound reason for desiring the release of the footage. As set forth in her September 18, 2019, objection to the postponement of the hearing:

I need desperately to have the Yale Police Department body camera footage released to the public to save my life and human and civil rights academic and legal careers. My life and my lifelong civil rights career were destroyed by the Yale Administration and Police grossly defaming me after May 8th, 2018. They knew that I was entirely innocent. They knew that they were telling disgusting lies about me that almost drove me to suicide. The public needs to know that I am entirely innocent. The public needs to know of Yale's grossly illegal misconduct. I also wish to have the YPD body camera footage released asap, because I have filed multiple complaints with the Federal Office for Civil Rights, and they need to see this body camera footage and learn of Yale's gross malfeasance, so that they will do the right thing and open an investigation into Yale's gross violations of my Federal Civil Rights.

Having had no response, on July 7, 2019, Complainant sent an email to Chief Higgins, Assistant Chief Woznyk, and Captain Kraszewski advising that she had not received the video footage requested, renewing her request. In response, on July 9, 2019, Respondent, through Assistant Chief Woznyk, sent Complainant a response permitting her to inspect the video footage of her direct interaction with Respondent’s officers, but otherwise denying her request to inspect and copy, stating:

As a matter of policy, and consistent with state law, the YPD does not release information created in connection with an uncorroborated allegation of a crime. We understand that this matter has received a great deal of attention and that video of some of the YPD interactions has been posted on the web. But, Yale and the YPD have not released any information or material related to the incident. Moreover, Yale and the YPD, consistent with the federal Family Educational Rights and Privacy Act, have not acknowledged the identity of you or the other student involved.

This explanation, for reasons set forth below, is factually and legally erroneous; notably, Respondent has, in fact, released Incident/Investigation Report No. 201801623, regarding the subject incident, a copy of which was released to Complainant by Yale Graduate School of Arts and Sciences Associate Dean Richard G. Sleight in a letter of June 5, 2018, wrongly accusing her of having violated the school’s regulations for personal conduct.⁵ Whereupon, Complainant filed

⁵ This charge was withdrawn by Dean Lynn Cooley by letter of October 5, 2018.

a timely appeal to this Commission on July 27, 2019.⁶ A hearing was originally scheduled for October 3, 2019, but was postponed over Complainant’s objection by the Commission on September 20, 2019, per request of Respondent.

2.0 YUPD is Required to Provide Ms. Braasch with the Video Recording

Respondent YUPD is a public agency under Conn. Gen. Stat. § 1-200(1)(B). *See Perotti, et al. v. Chief, Police Dep’t, Yale Univ.*, Docket No. FIC 2007-370 (Feb. 13, 2008) (Final Decision). Video footage taken on body cameras of YUPD Officers acting in the course and scope of their duties are public records or files, subject to disclosure, under Conn. Gen. Stat. §§ 1-200(5) & 1-210(a). *See id.* Thus, in the ordinary course, Complainant is entitled to receive a copy of such video footage pursuant to Conn. Gen. Stat. § 1-212(a). *See id.* YUPD does not dispute this.

2.1 YUPD Cannot Selectively Release the Video Recording to Only Some Private Individuals

Respondent’s objection to the release is unavailing. As set forth above, it is factually false. Respondent asserted “Yale and the YPD have not released any information or material related to the incident.” However, the incident report, being information and material related to the incident, was released by YUPD to Yale administration, who subsequently released it to Complainant. There is no reason to believe it was not released to other individuals and, in fact, Ms. Braasch has the freedom to distribute the incident report to the media.

In *Perotti*, the Commission only determined that YUPD was a public agency, not Yale University as a whole. Yale University, and its administration, are private entities/individuals.

⁶ On October 29, 2019, Complainant made three additional Freedom of Information requests to Respondent, for: a) Yale body camera footage of Complainant’s March 9, 2018 interview with YUPD Officer Grace Schenkle on March 9th, 2018, regarding a February 24, 2018 incident, following which Ms. Siyonbola accused Complainant of having perpetrated a racist hate crime comparable to a lynching; b) an April 2018 police report filed at Complainant’s request by Officer Grace Schenkle regarding the harassment Complainant was enduring in her isolated dorm room in the Hall of Graduate Studies on Yale’s campus, corroborating the allegations in the May 8, 2018, body camera footage; and c) supplements to the May 8, 2018 police reports documenting that Lolade Siyonbola continued to harass after the YUPD had left—Complainant had sent an email to Yale Housing, YUPD, and the Yale Administration, regarding the continuing harassment, and she was advised by a YUPD supervising officer that the police reports from that morning would be supplemented with this information. To date, she has received no response.

Chief Higgins testified that the videos at issue may have been viewed by Yale University Associate Dean Richard Sleight. This is consistent with YUPD General Order 427, which states that “Digital multimedia video files may be reviewed by individuals other than the recording police officer in any of the following situations...By the University’s representative”. (Respondent’s Exhibit 1 at 6). That Dean Sleight and any other private, Yale representative, including their outside counsel, have access to the videos violates Art. 1, Sec. 1 of the Connecticut Constitution, which states “All men when they form a social compact, are equal in rights; and no man or set of men are entitled to exclusive public emoluments or privileges from the community.” Accord U.S. Const., Amdt. XIV, Sec. 1 (“No State shall make or enforce any law which shall...deny to any person within its jurisdiction the equal protection of the laws.”) Dean Sleight and Yale have enjoyed privileges that the rest of the community have been denied. To afford them special privileges under law, YUPD must show there is a “legitimate *public purpose*”. *Chotkowski v. State*, 240 Conn. 246, 257-58 (1997). The only purpose for letting Yale obtain public records that no other private citizen of Connecticut can obtain is private—to permit Yale to take private action.

2.2 The Video Recordings Do Not Contain Uncorroborated Allegations

Second, the legal explanation, that the video footage is “information created in connection with an uncorroborated allegation of a crime” is an insufficient and inapplicable exception. Conn. Gen. Stat. § 1-216 states:

Except for records the retention of which is otherwise controlled by law or regulation, records of law enforcement agencies consisting of uncorroborated allegations that an individual has engaged in criminal activity shall be reviewed by the law enforcement agency one year after the creation of such records. If the existence of the alleged criminal activity cannot be corroborated within ninety days of the commencement of such review, the law enforcement agency shall destroy such records. (P.A. 88-227, §2.)

And, pursuant to Conn. Gen. Stat. § 1-210(b)(3)(H), YUPD is not required to disclose its records “not otherwise available to the public which records were compiled in connection with the detection or investigation of crime, if the disclosure of such records would not be in the public interest because it would result in the disclosure of ... (H) uncorroborated allegations subject to

destruction pursuant to section 1-216[.]” Of course, it does not appear that the recordings were timely destroyed, undermining the reliance on this exemption.

In considering Complainant’s request, the Commission must take into account the policies surrounding disclosure emanating from the Connecticut Supreme Court:

First, we have often recognized the longstanding legislative policy of the [act] favoring the open conduct of government and free public access to government records. ... We consistently have held that this policy requires us to construe the provisions of the [act] to favor disclosure and to read narrowly that act’s exceptions to disclosure. ... Second, whether records are disclosable under the act does not depend in any way on the status or motive of the applicant for disclosure, because the act vindicates the public's right to know, rather than the rights of any individual.

Comm'r of Emergency Servs. & Pub. Prot. v. Freedom of Info. Comm'n, 330 Conn. 372, 383 (2018) quoting *Chief of Police v. Freedom of Information Commission*, 252 Conn. 377, 387 (2000) (internal citations omitted). “The legislative intent behind the statutory exception in § 1-210(b)(3)(G) is to protect individuals from uncorroborated allegations that would be significantly damaging to their reputation.” *Vogth-Erikson v. Delmore*, 2004 Conn. Super. LEXIS 2288, at *4 (Aug. 13, 2004) citing *Bona v. Freedom of Information Commission*, 44 Conn. App. 622, 630-31 (1997). Here, the allegations regarding non-criminal activity are corroborated and, as they are already public, there is no potential damage to the reputation of either Ms. Braasch or Ms. Siyonbola.

2.2.1 The Facts Appearing in the Video are All Corroborated

The video at issue does not contain uncorroborated allegations of criminal activity. The commission interprets the term “corroborate” as “to strengthen, to add weight or credibility to a thing by additional and confirming facts or evidence;” “to state facts tending to produce confidence in the truth of a statement made by another;” “to give increased support to; make more sure or evident.” See, e.g., *Rachel Gottlieb and the Hartford Courant v. State of Connecticut, Department of Public Safety*, Docket No. FIC 94-291 (May 24, 1995). As the Commission has held, “the question of corroboration is independent of the question of whether an arrest has been made.” *Town of Groton v. Freedom of Info. Comm'n*, 2001 Conn. Super. LEXIS 415, at *5 (Feb. 13, 2001). There is no uncorroborated allegation as both Ms. Braasch and Ms. Siyonbola provide similar

accounts; Ms. Siyonbola does not dispute that she was napping (asleep) in the 12th Floor common room. Where the parties both agree upon the facts at issue, the allegations are deemed corroborated. *See Amy Caron Perkins v. Chief, Police Department, City of Norwich, et al.*, Docket No. FIC 2019-0285 (Aug. 28, 2019).

2.2.2 YUPD was Not Responding to a Report of Criminal Activity

Not every police encounter is a response to criminal activity. Complainant did not call YUPD because a crime occurred. Complainant is not identified as a “Victim” in the Incident Report and Ms. Siyonbola is not identified as having committed a crime. See Complainant’s Exhibit F, Report of May 8, 2018, at 3. In fact, per the report, Complainant “was advised by [YUPD] that this was not a criminal matter[.]” *See id.* YUPD officers do not simply exercise the power of arrest—they are also “Peace Officers”. *See Conn. Gen. Stat. § 53a-3(9)*. “Although from time to time a police officer may have a duty to make an arrest, his duties are not coextensive with his powers to arrest. A peace officer's official duties may cover many functions which have nothing [to do] with making arrests.” *State v. Vilchel*, 112 Conn. App. 411, 425 (2009)(affirming jury instruction; brackets in original). Ms. Braasch’s call had nothing to do with making an arrest. The videos requested do not contain allegations regarding criminal activity that were not otherwise revealed in the released reports.

Complainant had been repeatedly advised that she could call YUPD at any time, not merely to report criminal activity. And, that evening, she did not call 911; she called the non-emergency help line. The purpose of the encounter was not to report a crime, but to maintain the peace once Complainant became concerned the sleeping person was among those who had been harassing her.

Despite having been told she could call YUPD for any purpose, Respondent’s officers threatened *her* and accused *her* of having called improperly. It was then that she indicated that the call could be considered as one relating to criminal activity. But, as Complainant testified at the hearing, she did not call YUPD with that express purpose and it was a post hoc contortion of the facts based on the baseless threat by YUPD. Complainant’s unrefuted testimony shows she did not call with the purpose of having Ms. Siyonbola arrested or criminally charged.

The video is not about unsubstantiated allegations of criminal activity—YUPD officers were speaking to Complainant in their peacekeeping function. *See Stiebitz v. Mahoney*, 20 Conn. Supp. 129, 130 (1956) (discussing “a public peace officer whose duty it was to keep the peace, suppress violence and enforce the law.”); *Cologne v. Westfarms Associates*, 37 Conn. Supp. 90, 92 (1982) (observing that empowered officers also “maintain peace and order”). YUPD was contacted in its peacekeeping function and Complainant’s recitation of what the video would show confirms this.

Under Respondent’s theory, nearly any encounter could be deemed related to uncorroborated allegations of criminal conduct. “[C]riminal laws have grown so exuberantly and come to cover so much previously innocent conduct that almost anyone can be arrested for something.” *Nieves v. Bartlett*, 587 U.S. ___, 139 S. Ct. 1715, 1730 (2019) (Gorsuch, J., concurring in part and dissenting in part); *see also* Chase, Mike, HOW TO BECOME A FEDERAL CRIMINAL (2019). An encounter regarding a domestic disturbance would always relate to assault or battery. An encounter regarding a motor vehicle collision or directing traffic would always relate to reckless driving. An encounter between an officer and a Starbucks barista would always relate to a breach of the peace under Conn. Gen. Stat. § 53a-181(a)(5). Respondent would have the exception swallow the rule. *Accord Chairperson v. Freedom of Info. Comm’n*, 310 Conn. 276, 298 (2013) (Norcott, J., concurring) (“exceptions nevertheless should be cautiously applied because much of the business of public boards involves decisions which someone will take offense at and might start a lawsuit, conceivably almost all public business could be considered to be related to litigation in some way, and thus the exception would swallow the rule”, internal citation and quotation marks omitted).

2.2.3 YUPD Repeatedly Advised Complainant to Call for Non-Criminal Matters, Undermining their Objection

Yale and YUPD’s actions belie any claim that there were uncorroborated allegations of criminal activity. Prior to the encounter, on April 12, 2016, Yale Housing manager Beth Bishop told Complainant to call YUPD about *potential* harassment. *See* Complainant’s Exhibit F. On

April 13, 2016, YUPD Assistant Chief Michael Patten told her “if you feel threatened or **uncomfortable**, please call us right away.” *Id.* On April 30, 2016, YUPD Assistant Chief Steve Woznyk told Complainant to report non-criminal activity of someone merely being rude. *See id.* On April 24, 2018, Associate Provost Cynthia Smith told her “if you have ongoing concerns about your safety, we hope you know you can reach out to the Yale Police Department.” *Id.* And, on March 12, 2018, YUPD Officer Grace Schenkle told Complainant to contact YUPD for “any further assistance”, not merely to report a crime. *Id.* Having been told time and time again she could call for anything, not just to make allegations of criminal conduct, it is improper to now suggest that any call she would make must necessarily have alleged criminal conduct.

Notably, YUPD’s website highlights that criminal investigations are but a small portion of the services it provides. According to the YUPD, its objectives include “[p]erform[ing] a varied of diverse services for the campus, including ... general assistance” and “[p]rovid[ing] general...assistance to the Yale community.” *See* Complainant’s Exhibit B. In fact, Chief Higgins encouraged Ms. Braasch and the Yale community to “take full advantage of the services [YUPD has] in place for [their] safety and always feel free to contact us for *any* assistance.” *See* Complainant’s Exhibit C (emphasis added). It is disingenuous to now essentially claim that any assistance is, in actuality, limited to responses to reports of suspected criminal activity.

2.2.4 YUPD Chief Higgins’s Public Statement Conflicts with the Objection

Subsequent to the encounter, Chief Higgins released a public statement about it. *See* Respondent’s Exhibit 2. Although names were not provided, a second or third hand summary of what occurred, based, in part, on the video, was released. Lack of naming is irrelevant—the only purpose in releasing a statement is because the matter was already publicly known. *See, e.g.,* O’Daly, Britton, “Yale Responds after Black Student Reported for Napping in Common Room” YALE NEWS (May 10, 2018) (identifying both Ms. Siyonbola and Ms. Braasch by name).⁷ If the

⁷ Available at <<https://yaledailynews.com/blog/2018/05/10/yale-responds-after-black-student-reported-for-napping-in-common-room/>>

information on the video were subject to withholding, then it would have been wholly improper for Chief Higgins to make the disclosure of their contents. But, it was not improper. Ms. Braasch calling a non-emergency line because she was tired of people being difficult was not an uncorroborated allegation of criminal activity, no matter how YUPD chose to respond or construe it after Ms. Braasch made her FOI request.

2.2.5 The YUPD Incident Report Indicates there was No Criminal Activity

There is no reasonable basis to believe YUPD was responding to a criminal trespass complaint. The report states it was a “report of an unwanted person/trespass complaint”, but there is no mention of it being criminal in nature. It was not criminal trespass in the first degree per Conn. Gen. Stat. § 53a-107 as there was no order to leave by an authorized person. It was not criminal trespass in the second degree per Conn. Gen. Stat. § 53a-108 or in the third degree per Conn. Gen. Stat. § 53a-109 as there is no suggestion Ms. Siyonbola was knowingly in the building (let alone in a common room) without license or privilege. In fact, it was readily apparent to all that Ms. Siyonbola was a “Yale affiliate” when Ms. Braasch called the non-emergency line. *See* Complainant’s Exhibit F, Report of May 8, 2018, at 3.

Similarly, it was not a response to a claim of criminal harassment. The report is devoid of any suggestion of it. There was no whiff of harassment in the first degree per Conn. Gen. Stat. § 53a-182b, as there was no threat to kill or injure. And, there was no harassment in the second degree per Conn. Gen. Stat. § 53a-183 as there was no telephonic, electronic, or written communication involved. YUPD had no reasonable basis to consider their response as one regarding criminal activity and there are no allegations of criminal activity, let alone uncorroborated ones.

2.2.6 YUPD’s Offer of Inspection Demonstrates the Video Recording is Disclosable

Chief Higgins testified that YUPD would provide access to the video to Dean Sleight. YUPD explicitly offered Complainant the opportunity to review the video herself, *i.e.* to inspect

them under the Freedom of Information Act.⁸ If they are subject to inspection, the law also permits her to obtain a copy. There is nothing in the statute that permits YUPD to deny the right to copy or obtain a copy if Complainant or Yale are otherwise permitted to make an inspection. General Order 427 makes no distinction in its “Releasing” policy between inspection and copying. *See* Respondent’s Exhibit 1 at p. 6. In fact, the legislative history indicates that the rights to inspect and to make or obtain copies go hand in hand. *See Planning & Zoning Comm'n of Pomfret v. Freedom of Info. Comm'n*, 2009 Conn. Super. LEXIS 3003, at *17-18 (Nov. 10, 2009)(discussing P.A. 02-137). If, as claimed, the video contained uncorroborated allegations, then YUPD broke the law by providing access to Yale and offering such to Complainant, but that is not the case. The videos requested do not contain uncorroborated allegations of criminal activity and they are disclosable under law.

3.0 Conclusion

Yale and YUPD have targeted Ms. Braasch because they and the public have been focusing on her race and the race of Ms. Siyonbola, as that is the prevailing narrative—that Ms. Braasch called the police because Ms. Siyonbola was napping while black. YUPD and the Commission cannot treat Ms. Braasch unequally—that which is available to Yale staff must be made available to other members of the public. Nothing in the video is uncorroborated. Nothing in the video relates to criminal activity. YUPD’s actions and statements belie any claim to the contrary.

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⁸ Complainant declined this opportunity, as she does not merely seek the videos for herself, but for the general public. As discussed above, “whether records are disclosable under the act does not depend in any way on the status or motive of the applicant for disclosure, because the act vindicates the public’s right to know, rather than the rights of any individual.” *Chief of Police v. Freedom of Info. Comm'n*, 252 Conn. at 387. In fact, this is consistent with General Order 427 as it would “strengthen[] police accountability”. Respondent’s Exhibit 1 at p. 1.

WHEREFORE Complainant respectfully requests the Commission order Respondent to release the subject video footage and provide a copy to Complainant.

Dated: January 3, 2020

Respectfully submitted,

COMPLAINANT, SARAH BRAASCH

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CERTIFICATION

I hereby certify that a copy of the above was delivered electronically this 3rd day of January 2020 to the Acting Clerk of the Commission and to all counsel of record as follows:

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