

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

Jay Quigley,

Complainant

against

Docket #FIC 2018-0744

Commissioner, State of Connecticut,
Department of Correction; and State of
Connecticut, Department of Correction,

Respondents

November 13, 2019

The above-captioned matter was heard as a contested case on September 24, 2019, 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, 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. It is found that, in a letter received by the respondents on November 28, 2018, the complainant requested copies of the incident report(s) created by the respondents between April 26, 2018 and April 30, 2018, in connection with the use of force and restraint applied on the complainant.
3. It is found that the respondents acknowledged the complainant's request in a letter to the complainant dated November 28, 2018.
4. In a letter filed December 27, 2018, the complainant appealed to the Commission, alleging that the respondents violated the Freedom of Information ("FOI") Act by failing to provide him with the requested records.
5. Section 1-200(5), G.S., defines "public records or files" as follows:

Any recorded data or information relating to the conduct of the

public's business prepared, owned, used, received or retained by a public agency, ... 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: "Any 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 the records requested by the complainant are public records within the meaning of §§1-200(5), 1-210(a), and 1-212(a), G.S.

9. It is found that the respondents provided the complainant with records responsive to his request on January 29, 2019, and that portions of such records were redacted by the respondents pursuant to §§1-210(b)(18) and 1-210(b)(18)(G), G.S.

10. It is found that the respondents' FOI administrator learned of the matter when the respondents were notified of this appeal. The FOI administrator reviewed the matter and reviewed the redactions on the records that had been provided to the complainant on January 29, 2019. The FOI administrator revised the redactions and provided the complainant with another copy of the responsive records on August 12, 2019.

11. At the hearing on this matter, the complainant acknowledged receiving copies of the requested records, but contested the redactions made to the records and requested that the records be reviewed in camera.

12. At the conclusion of the hearing on this matter, the respondents were ordered to submit all of the records for which they claimed an exemption, in whole or in part, to the Commission for in camera review.

13. The respondents complied with the in camera order and submitted the responsive records to the Commission for review on October 1, 2019. The records submitted to the Commission for in camera review shall be referred to as IC-2018-0744-1 through IC-2018-0744-104.

14. The respondents contended that in camera records IC-2018-0744-1 through IC-2018-0744-67; and IC-2018-0744-70 through IC 2018-0744-84; and IC-2018-0744-87 through IC-2018-0744-100 are records, the disclosure of which the respondents have reasonable grounds to believe may result in a safety risk in a correctional institution and are therefore exempt from disclosure pursuant to §1-210(b)(18), G.S. Additionally, the respondents contended that in camera records IC-2018-0744-68, 69, 85, 86, 101, 102, 103 and 104, include logs or other documents that contain information on the movement or assignment of inmates or staff at correctional institutions and are therefore exempt from disclosure pursuant to §1-210(b)(18)(G), G.S.

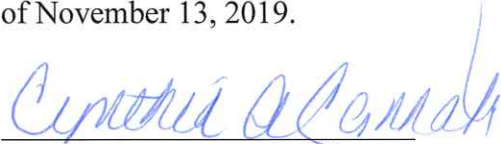
15. After careful review of the in camera records, it is found that the records redacted or withheld by the respondents were properly determined to be exempt from mandatory disclosure pursuant to §§1-210(b)(18) and 1-210(b)(18)(G), G.S., as claimed by the respondents.

16. Accordingly, it is found that the respondents did not violate the disclosure provisions of the FOI Act as alleged by the complainant.

The following order by the Commission is hereby recommended on the basis of the record concerning the above-captioned complaint:

1. The complaint is hereby dismissed.

Approved by Order of the Freedom of Information Commission at its regular meeting of November 13, 2019.



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:

JAY QUIGLEY, #304839, Northern Correctional Institution, 287 Bilton Road, P.O. Box 665, Somers, CT 06071

COMMISSIONER, STATE OF CONNECTICUT, DEPARTMENT OF CORRECTION; AND STATE OF CONNECTICUT, DEPARTMENT OF CORRECTION, c/o Attorney Tracie C. Brown, Department of Correction, 24 Wolcott Hill Road, Wethersfield, CT 06109



Cynthia A. Cannata
Acting Clerk of the Commission