

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

James Raynor,

Complainant

against

Docket # FIC 2020-0318

Connecticut Judicial Marshal Services;
Rollin Cook, Commissioner, State of
Connecticut, Department of Correction; and
State of Connecticut, Department of
Correction,

Respondents

September 22, 2021

The above-captioned matter was heard as a contested case on August 10, 2021, at which time the complainant and the respondents appeared, stipulated to certain facts, and presented testimony, exhibits and argument on the complaint. Due to the COVID-19 pandemic and the state's response to it, the hearing was conducted through the use of electronic equipment (remotely) pursuant to §149 of Public Act 21-2 (June Special Session).

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 July 10, 2020,¹ the complainant appealed to the Commission, alleging that the respondents violated the Freedom of Information ("FOI") Act by denying his request for certain public records. Additionally, the complainant requested that the Commission consider the imposition of a civil penalty against the respondent, Connecticut Judicial Marshal Services.
3. It is found that, by letter dated June 1, 2020, and mailed on June 7, 2021, the complainant requested that the respondent, Connecticut Judicial Marshal Services,² provide him with copies any records pertaining to an incident that occurred at the Walker Correctional

¹ On March 25, 2020, the Governor issued Executive Order 7M, thereby suspending the provisions of Conn. Gen. Stat. Sec. 1-206(b)(1), which requires the Freedom of Information Commission to hear and decide an appeal within one year after the filing of such appeal. Executive Order 7M is applicable to any appeal pending with the Commission on the issuance date and to any appeal filed on or after such date, for the duration of the current public health and civil preparedness emergency. Consequently, the Commission retains jurisdiction.

² Although the Department of Correction is included as a respondent in this matter, the complainant did not make a request for records from such agency directly.

Institution in Suffield, CT, involving a prisoner transport van that was being used to transport the complainant to court on September 17, 2019.

4. Section 1-200(5), G.S., provides:

“[p]ublic 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, videotaped, printed, photostated, photographed or recorded by any other method.

5. Section 1-210(a), G.S., provides in relevant part that:

[e]xcept 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 . . . (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. It is found that the records described in paragraph 3, above, are public records within the meaning of §§1-200(5), 1-210(a) and 1-212(a), G.S.

8. It is found that the respondent, Connecticut Judicial Marshal Services, conducted a search for records responsive to the complainant’s request and discovered a one-page incident report. A copy of such report, identified as incident report number 50257, was sent to the FOI coordinator for respondent, Department of Correction, on August 26, 2020.³ It is found that the FOI Coordinator’s role was to review records sent from outside agencies to inmates held by the Department of Correction. It is found that the FOI Coordinator reviewed such record and applied four redactions to the record pursuant to §1-210(b)(18), G.S.

9. Section 1-210(b)(18), G.S., states in relevant part:

[n]othing in the Freedom of Information Act shall be construed to require disclosure of: . . . Records, the

³ Section 1-210(c), G.S., provides that whenever a public agency receives a request from any person confined in a correctional institution . . . for disclosure of any public record under the Freedom of Information Act, the public agency shall promptly notify the Commissioner of Correction . . . of such request, in the manner prescribed by the commissioner, before complying with the request as required by the Freedom of Information Act. If the commissioner believes the requested record is exempt from disclosure pursuant to subdivision (18) of subsection (b) of this section, the commissioner may withhold such record from such person when the record is delivered to the person’s correctional institution . . .

disclosure of which the Commissioner of Correction ...has reasonable grounds to believe may result in a safety risk, including the risk of harm to any person or the risk of an escape from, or a disorder in, a correctional institution or facility under the supervision of the Department of Correction

10. It is found that the four redactions made to the record by on behalf of the Commissioner of Correction, were made to protect the name and identification number of another inmate. It is found that the Commissioner had reasonable grounds to believe that the disclosure of the redacted inmate's name and identification number could result in a safety risk, including the risk of harm to any person in the correctional facility.

11. It is found that after applying the redactions, the respondent, Department of Correction forwarded the record to the facility where the complainant was housed. It is further found that the record was delivered to the complainant on October 2, 2020, and that the complainant signed a receipt for such record on that date.

12. Prior to the hearing in this matter, counsel for the respondent, Department of Correction, requested permission to submit an unredacted copy of the record released to the complainant for in camera inspection. On August 4, 2021, such request was granted. On August 5, 2021, the respondent, Department of Correction, submitted three pages for in camera inspection along with an index identifying the portions of the records redacted and the statutory authority for such redactions. The in camera records will be referred to as IC2020-0318-001 through IC2020-0318-003.

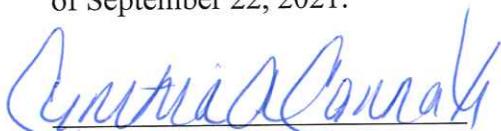
13. After careful inspection of the in camera records, it is found that there were no redactions to IC2020-0318-001 and 002 and that both records were previously disclosed to the complainant. It is further found that there were four redactions to IC2020-0318-003. Such redactions were made to the name and identification number of another inmate as contended by the respondent, Department of Correction. Therefore, it is concluded that the redactions to IC2020-0318-003 were properly made pursuant to §1-210(b)(18), G.S.

14. Based on the facts and circumstances of this case, it is concluded that none of the respondents violated the disclosure provisions of the FOI Act. Accordingly, the Commission shall not consider the imposition of civil penalties in this matter.

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 September 22, 2021.



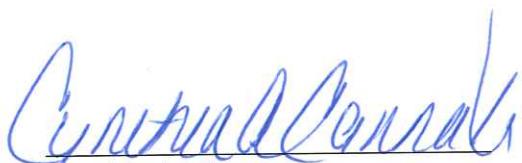
Cynthia A. Cannata
Acting Clerk of the Commission

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:

JAMES RAYNOR, #318905, Garner Correctional Institution, 50 Nunnawauk Road, Newtown, CT 06470

CONNECTICUT JUDICIAL MARSHAL SERVICES, c/o Attorney Steven Bidwell, Counsel, Legal Services, State of Connecticut Judicial Branch, 100 Washington Street, Hartford, CT 06106; **ROLLIN COOK, COMMISSIONER, STATE OF CONNECTICUT, DEPARTMENT OF CORRECTION; AND STATE OF CONNECTICUT, DEPARTMENT OF CORRECTION**, c/o Attorney Tracie Brown, State of Connecticut, Department of Correction, 24 Wolcott Hill Road, Wethersfield, CT 06109



Cynthia A. Cannata
Acting Clerk of the Commission