

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

Jeremy Steele,

Complainant

Docket # FIC 2016-0867

against

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

Respondents

October 25, 2017

The above-captioned matter was heard as a contested case on September 14, 2017, at which time the complainant and 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, et al., 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 the complainant submitted an inmate request form, dated November 22, 2016, to the respondents, "requesting preservation night vision camera footage for outside transportation [sic] sally port (UConn trip) on October 28th, 2016 from (time frame) 6:30am till [sic] 4:30am." He informed the respondents that he was seeking the preservation of such footage "for legal purposes."
3. By letter of complaint dated December 12, 2016, and received on December 15, 2016, the complainant appealed to this Commission, alleging that the respondents failed to comply with his November 22, 2016 request, described in paragraph 2, above, in violation of the Freedom of Information ("FOI") Act. The complainant also requested the imposition of civil penalties.
4. Section 1-200(5), G.S., defines "public records or files" as:

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, printed, photostated, photographed or recorded by any other method.

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

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 . . . (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. At the hearing, the complainant specifically testified that his November 22, 2016 request described in paragraph 2, above, was for the *preservation* of the night vision camera footage for legal purposes, and not for copies of such footage.

8. It is found that the complainant has not alleged a violation of the FOI Act with respect to the request described in paragraph 2, above. Consequently, it is concluded that the respondents did not violate 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 October 25, 2017.



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:

JEREMY STEELE, #346650, MacDougall Walker Correctional Institution, 1153 East Street South, Suffield, CT 06080

SCOTT SEMPLE, COMMISSIONER, STATE OF CONNECTICUT, DEPARTMENT OF CORRECTION; AND STATE OF CONNECTICUT, DEPARTMENT OF CORRECTION, c/o Attorney Nicole Anker, Department of Correction, 24 Wolcott Hill Road, Wethersfield, CT 06109



Cynthia A. Cannata
Acting Clerk of the Commission