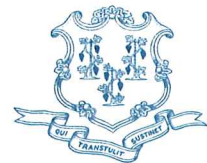




FREEDOM OF INFORMATION



Connecticut Freedom of Information Commission • 165 Capitol Avenue, Suite 1100 • Hartford, CT 06106
Toll free (CT only): (866) 374-3617 Tel: (860) 566-5682 Fax: (860) 566-6474 • www.ct.gov/foi • email: foi@ct.gov

Ally Le Master and Connecticut Examiner
Complainant(s)
against

Notice of Meeting

Docket #FIC 2025-0900

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

Respondent(s)

September 11, 2026

Transmittal of Proposed Final Decision

In accordance with Section 4-179 of the Connecticut General Statutes, the Freedom of Information Commission hereby transmits to you the proposed finding and decision prepared by the hearing officer in the above-captioned matter.

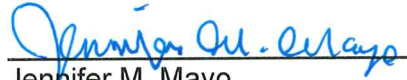
This will notify you that the Commission will consider this matter for disposition at its meeting which will be held **in person** at the Freedom of Information Commission's Hearing Room, Conference Room H, located on the ground floor at 165 Capitol Avenue, Hartford, Connecticut, at **2:00 p.m. on Wednesday, September 23, 2026.**

At that time and place, you will be allowed to offer oral argument concerning this proposed finding and order in person. Oral argument shall be limited to ten (10) minutes. For good cause shown, however, the Commission may increase the period of time for argument. A request for additional time must be made in writing and should be filed with the Commission **ON OR BEFORE September 21, 2026.** Such request **MUST BE (1) copied to all parties, or if the parties are represented, to such representatives, and (2) include a notation indicating such notice to all parties or their representatives.**

Although a brief or memorandum of law is not required, if you decide to submit such a document, an **original and fourteen (14) copies** must be filed **ON OR BEFORE September 21, 2026.** PLEASE NOTE: Any correspondence, brief or memorandum directed to the Commissioners by any party or representative of any party **MUST BE (1) copied to all parties, or if the parties are represented, to such representatives, (2) include a notation indicating such notice to all parties or their representatives and (3) be limited to argument.** NO NEW EVIDENCE MAY BE SUBMITTED.

If you have already filed a brief or memorandum with the hearing officer and wish to have that document distributed to each member of the Commission, it is requested that **fifteen (15) copies** be filed **ON OR BEFORE September 21, 2026** and that **notice be given to all parties or if the parties are represented, to their representatives, that such previously filed document is being submitted to the Commissioners for review.**

By Order of the Freedom of
Information Commission



Jennifer M. Mayo
Acting Clerk of the Commission

Notice to: Ally Le Master and Connecticut Examiner
Attorney Jennifer Lepore

FIC# 2025-0900/ITRA/CZH//RB/JMM/2026-09-11

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

Report of Hearing Officer

Ally Le Master and Connecticut Examiner,

Complainants

against

Docket #FIC 2025-0900

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

Respondents

September 8, 2026

The above-captioned matter was heard as a contested case on May 12, 2026 and June 23, 2026, at which times the complainants and the respondents appeared, stipulated to certain facts and presented testimony, exhibits and argument on the complaint.

The Commission takes administrative notice of the Superior Court docket and filings in Richardson, Lynnette, Administratrix for the Estate, et al. v. Semple, Scott, Commissioner, Department of Correction, et al., No. HHD-CV18-6098918-S (Conn. Super. Ct.) (“Richardson v. Department of Correction”). See paragraphs 19 through 20, below.

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, by submission through the respondents’ Freedom of Information (“FOI”) Act request portal (“GovQA”) dated August 14, 2025, the complainants requested copies of the following records: “[a]ll video of inmate J’Allen Jones at Garner Correctional Institution on the day of March 25, 2018” (the “requested video”).
3. It is found that, by GovQA message also dated August 14, 2025, the respondents acknowledged the complainants’ records request.
4. It is found that, by GovQA message dated September 15, 2025, the complainants requested a status update on their records request described in paragraph 2, above.
5. It is found that, by GovQA message dated September 16, 2025, the respondents informed the complainants that they were still working on the complainants’ records request and would be “reaching back out soon.”

6. By complaint, dated and filed October 7, 2025, the complainants appealed to this Commission, alleging that the respondents violated the FOI Act by failing to promptly provide the records described in paragraph 2, above.

7. 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 1-218, whether such data or information be handwritten, typed, tape-recorded, videotaped, printed, photostated, photographed or recorded by any other method.

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

[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.

9. Section 1-212(a), G.S., provides, in relevant part: “[a]ny person applying in writing shall receive, promptly upon request, a plain, facsimile, electronic or certified copy of any public record.”

10. It is concluded that the requested records are public records within the meaning of §§1-200(5) and 1-210(a), G.S.

11. It is found that the requested video, described in paragraph 2, above, depicts an inmate in the custody of the respondent Department of Correction (“DOC”) on March 25, 2018, the day he died in DOC custody. It is also found that the requested video consists of three general phases: (a) the inmate’s escort through the DOC facility; (b) an incident occurring at a specific location within the DOC facility; and (c) the inmate’s escort out of such DOC facility in an ambulance.

12. At the hearings on this matter, the respondents argued that the requested video is permissively exempt from disclosure pursuant to §1-210(b)(18), G.S.

13. Section 1-210(b)(18), G.S., provides, in relevant part, that disclosure is not required of “[r]ecords, the 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...” Section 1-210(b)(18)(G), G.S., specifically provides that

disclosure is not required of “[l]ogs or other documents that contain information on the movement or assignment of inmates or staff at correctional institutions or facilities.”

14. The Commission’s role in reviewing the Commissioner of DOC’s safety risk determination under §1-210(b)(18), G.S., is to determine “whether the [Commissioner’s] reasons were pretextual and not bona fide, or irrational.” Comm’r v. Freedom of Info. Comm’n, 46 Conn. L. Rptr. 533, 2008 WL 4926910, at *5 (Conn. Super. Ct. Nov. 3, 2008). In that case, the court reversed the Commission’s finding that the DOC failed to prove that disclosure of certain personnel records may result in a safety risk. According, to the court:

The commissioner of DOC and his staff certainly have the experience to know when a particular request will result in a safety risk. Having received the reasons given by the DOC for declining to make the record available, the FOIC is not free to reject DOC’s reasons because they are ‘hypothetical’ and not based on actual events....The FOIC’s role is to determine whether the DOC’s reasons were pretextual and not bona fide, or irrational. Id.

15. At the hearings on this matter, the witness for the respondents testified, and it is found, that he reviewed the requested video and that such video depicts: the locations of security cameras, which in turn depict the areas covered and not covered by such cameras; escort procedures and techniques; staff restraint and response techniques; and the locations of doors, room numbers, and metal detectors. The witness also testified, and it is found, that disclosure of the requested video may result in the risk of escape because such video reveals vulnerabilities in the security facilities. The witness further testified, and it is found, that pursuant to the “mosaic theory”, disclosure of a series of videos could create a complete picture of the inside of the facility, which could be studied by someone on the outside and provided to an inmate for the purposes of planning an escape.

16. Moreover, it is found that the respondents offered the complainants the opportunity to inspect the requested video, rather than receive a copy of the requested video because the respondent Commissioner of DOC did not have the same safety and security risk concerns with the inspection of such video. It is found, however, that the complainants declined the respondents’ offer to inspect the requested video.

17. The Commission has consistently deferred to the judgment and experience of the respondent Commissioner of DOC regarding safety and security risks and has routinely found that video recordings of the inside of a correctional institution are exempt from disclosure pursuant to §1-210(b)(18), G.S., in cases in which a witness for the DOC has testified as to what is depicted on the video, and explained how disclosure of such video may result in a safety or security risk, and in which it was found that such reasons were bona fide, rational and not pretextual. See e.g., Robin Elliot v. Warden, State of Connecticut, Department of Correction et al., Docket #FIC 2008-733 (July 1, 2009); Brandon Holloway v. State of Connecticut, Department of Correction et al., Docket #FIC 2011-066 (January 11, 2012); Ira Alston v. Commissioner, State of Connecticut, Department of Correction et al., Docket #2015-882 (September 14, 2016); Charles Fonck, III v. Scott Semple, Commissioner, State of Connecticut,

Department of Correction et al., Docket #FIC 2018-0155 (December 19, 2018); Seth Kerschner v. Commissioner, State of Connecticut, Department of Correction, et al., Docket #FIC 2018-0106 (December 19, 2018); Victor Velasco v. Commissioner, State of Connecticut, Department of Correction et al., Docket #FIC 2018-0705 (September 25, 2019); Albert Farah v. Commissioner, State of Connecticut, Department of Correction, et al., Docket #FIC 2020-0287 (July 28, 2021); Victor Velasco v. Rollin Cook, Commissioner, State of Connecticut, Department of Correction et al., Docket #FIC 2020-0294 (September 8, 2021); and Victor Velasco v. Rollin Cook, Commissioner, State of Connecticut, Department of Correction et al., Docket #FIC 2020-0295 (October 13, 2021).

18. Based upon the foregoing, it is found that, at the time of the filing of the request and complaint in this matter, the respondent Commissioner of DOC had reasonable grounds to believe that disclosure of the requested video, described in paragraph 2, above, may result in a safety or security risk. It is further found that the DOC's reasons are bona fide and not pretextual or irrational.

19. The Commission notes that Richardson v. Department of Correction is a case filed in the Superior Court against the respondents and is related to the death of J'Allen Jones.¹ The Commission also notes that, at the time of the contested case hearings on this matter, the parties to Richardson v. Department of Correction were arguing about which portions of the requested video should be redacted and which should be publicly disclosed as an exhibit in that case. The Commission further notes that, subsequent to the contested case hearings on this matter, by stipulation of the parties to such litigation, a redacted copy of the requested video was ordered by the Court to be entered as an exhibit in the case and made publicly available.²

20. The complainants argued that because the Court, in Richardson v. Department of Correction, issued a Memorandum of Decision, dated October 16, 2025, requiring the respondents to submit the requested video as an exhibit, subject to certain redactions, which were still being disputed, as described in paragraph 19, above, the respondents should also be required to provide the complainants with a copy of the requested video through the FOI Act. Such argument, however, is unavailing.

21. In Chief of Police v. Freedom of Info. Comm'n, 252 Conn. 377 (2000), the Supreme Court concluded that, "the provisions of the [FOI] Act do not affect or limit discovery rights, and discovery rights do not affect or limit the provisions of the [FOI Act]. The two operate separately and independently." Chief of Police, 252 Conn. at 396 (emphasis added). Moreover, the Court also stated that, "whether records are disclosable under the [FOI 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." Id. at 387.

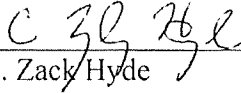
22. Accordingly, based upon all of the foregoing, it is concluded that the respondents did not violate §§1-210(a) and 1-212(a), G.S., as alleged in the complaint.

¹ See Richardson v. Department of Correction, at Case Detail – HHD-CV18-6098919-S.

² See Entry No. 276.86 in Richardson v. Department of Correction, No. HHD-CV18-6098918-S (Conn. Super. Ct. Order 439589 June 26, 2026).

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.



C. Zack Hyde
as Hearing Officer

FIC2025-0900/HOR/CZH/09082026