

STATE OF CONNECTICUT  
FREEDOM OF INFORMATION COMMISSION

In the Matter of a Complaint by

FINAL DECISION

Earl Bradley,

Complainant

against

Docket # FIC 2022-0501

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

Respondents

October 11, 2023

The above-captioned matter was heard as a contested case on September 6, 2023, at which time the complainant and the respondents appeared 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 Anthony Sinchak v. Freedom of Information Commission, Docket No. CV 03-0826293, 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, by Inmate Request Form dated October 6, 2022, the complainant requested that the respondents provide him with copies of the following records:

[a.] Any emails, notes, or correspondence between Cheshire FOI Office and Corrigan FOI Office concerning Bradley 11/14/19 through 11/18/19;

[b.] Any notes, emails, or correspondence concerning Corrigan Infirmary's discharge of Bradley 11/12/19 to include communication with security office effecting Bradley's transfer to seg on 11/12/19 (and prior to or after), medical orders for stay in seg.

[c.] Any emails, notes, or correspondence giving clearance for destruction of 11/12/19 video after incident.

[d.] Corrigan medical notes for 11/12/19 and 11/13/19 including orders, medications given and treatment.

[e.] In accordance with A.D. 6.5(11)(c) there exists a supervisor video recording review CN 6902[,] I would like such copy.

[f.] Under A.D. 6.5 (12)(b) there should exist a CN6501, a copy of which I request.

[g.] Under A.D. 6.5(15)(b), a CN6502 restraint checklist should exist, also requested.

[h.] 6.9 Collection and Retention of Contraband and Physical Evidence (3)(E) ‘Anything including but not limited to a written record, videotape, ... any tangible item ... or allegation to include potential litigation.’ I wish to receive any relevant documents also A.D. 6.9 (6)(E)(3) CN6901 is requested.

3. It is found that, at the time of the complainant’s request described in paragraph 2, above, the complainant was housed at the Cheshire Correctional Center. It is further found that, instead of submitting the request to the Freedom of Information (“FOI”) liaison or supervisor for the Cheshire Correctional Center in accordance with the respondents’ standard protocols, the complainant sent the request described in paragraph 2, above, to the FOI supervisor for the Corrigan Correctional Center.

4. It is found that the respondents did not acknowledge the complainant’s request, described in paragraph 2, above.

5. By letter dated October 21, 2022, and filed with the Commission on October 26, 2022, the complainant appealed to this Commission alleging that the respondents violated the FOI Act by failing to comply with the request described in paragraph 2, above.

6. It is found that, by letters dated June 9, 2023, the Commission informed the respondents of the complaint in this matter, and included copies of the complaint and the October 6, 2022 request.<sup>1</sup>

7. Section 1-206(b)(1), G.S., provides, in relevant part, that: “[a]ny person denied the right to inspect or copy records under 1-210... or denied any other right conferred by the Freedom of Information Act may appeal therefrom to the Freedom of Information Commission, by filing a notice of appeal with said commission....”

8. It is found that the respondents’ employees who oversee the receipt and processing of FOI requests for the Cheshire and Corrigan Correctional Centers as well as the FOI

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<sup>1</sup> It is found that, the copy of the October 6, 2022 request that the Commission mailed to the respondents did not include the second page of the request; however, it is immaterial to the decision in this case.

Administrator, who coordinated the respondents' compliance with the FOI Act, generally, first received a copy of the complainant's request when they received a copy of the complainant's complaint to the FOI Commission, as described in paragraphs 5 and 6, above, in August 2023.

9. At the hearing in this matter, the complainant contended that, when he submitted an Inmate Grievance Form-Level 1 to the respondents on October 28, 2022, he attached to such form a copy of the October 6, 2022 records request. The respondents contended that the filing of a grievance complaint with the respondents does not constitute a request for records pursuant to the FOI Act. It is found, however, that the complainant submitted such grievance form to the respondents on October 28, 2022, which was *after* the complainant filed his FOI complaint on October 26, 2022.

10. It is found, based upon the credible evidence offered at the hearing in this matter, that the respondents did not receive the complainant's October 6, 2022 request for records until *after* the complainant filed his complaint with the Commission. Consequently, it is found that when the complaint was filed with the Commission, the respondents had not denied the October 6, 2022 request nor denied any other right under the FOI Act, within the meaning of §1-206(b)(1), G.S.

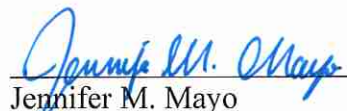
11. It is concluded, therefore, under the facts of this case, that the complainant had no right to file an appeal with this Commission, under §1-206(b)(1), G.S., on October 26, 2022, and the respondents did not violate the FOI Act as alleged in the complaint.

12. Nevertheless, it is found that, after receiving the FOI complaint and the complainant's request in this matter, the respondents searched for records responsive to the complainant's request described in paragraph 2, above, to the extent they were able to do so. The respondents testified, and it is found, that they provided the complainant with the responsive records that were located and that if other responsive records exist, they will be provided.

The following order by the Commission is hereby recommended based on 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 11, 2023.

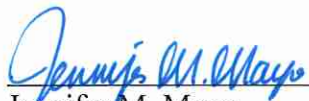
  
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Jennifer M. Mayo  
Acting Clerk of the Commission

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:

**EARL BRADLEY, #415266**, Cheshire Correctional Institution, 900 Highland Avenue, Cheshire, CT 06410

**COMMISSIONER, STATE OF CONNECTICUT, DEPARTMENT OF CORRECTION;**  
**AND STATE OF CONNECTICUT, DEPARTMENT OF CORRECTION**, c/o Attorney Jennifer Lepore, State of Connecticut, Department of Correction, 24 Wolcott Hill Road, Wethersfield, CT 06109

  
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Jennifer M. Mayo  
Acting Clerk of the Commission