

FREEDOM OF INFORMATION COMMISSION
STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

James Mitchell,

Complainant

against

Docket # FIC 2024-0264

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

Respondents

April 23, 2025

The above-captioned matter was heard as a contested case on January 21, 2025, March 14, 2025, and March 25, 2025, at which times the complainant and 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 letter dated May 8, 2024, and received and filed with the Commission on May 13, 2024, the complainant appealed to this Commission, alleging that the respondents failed to provide him with requested records; however, the complainant's complaint lacked information regarding the nature of his request and the date on which it was initially made. It is found that the complainant also alleged in his complaint that he renewed his records request "on or about April 10, 2024" but had not received a response as of the date of his appeal.
3. It is found that by letter dated June 7, 2024, and received and filed with the Commission on June 12, 2024, the complainant supplemented his complaint, described in paragraph 2, above, upon the Commission's request. In the supplement the complainant alleged, in part, that on April 10, 2024, he requested any and all records related to a September 13, 2023 strip search conducted on him.
4. Following the first hearing on this matter, on February 25, 2025, the undersigned hearing officer ordered the complainant to produce, among other records, the initial operative request at issue and the subsequent April 10, 2024 request he referenced in his complaint.

5. It is found that, in response to the hearing officer's order described in paragraph 4, above, the complainant produced a February 10, 2024 records request, received and filed with the Commission on March 17, 2025. (See Respondents' Exhibit 2.)¹ It is found that such request sought copies of the following records from the respondents:

- (a) any and all incident reports against me [James Mitchell] from June 2023 thru January 2024 and
- (b) any and all investigation reports against me [James Mitchell] from June 2023 thru January 2024.

6. It is found that, at the March 14, 2025 and March 25, 2025 continued hearings, the complainant identified his February 10, 2024 request, marked as Respondents' Exhibit 2 and described in paragraph 5, above, as the operative request at issue in this complaint.

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

"Public 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.

8. 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 ... (3) receive a copy of such records in accordance with the provisions of section 1-212.

9. 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."

¹ At the January 21, 2025 hearing, the respondents offered into evidence the February 10, 2024 request, representing that it may be the operative request at issue. The document was then marked as Respondents' Exhibit 2, for identification only, due to the complainant's objection to its relevancy. At said hearing, the complainant represented that the February 10, 2024 request was not the operative request at issue in his appeal. However, at the March 14 and March 25, 2025 hearings, the complainant withdrew his objection, testifying that he now believed Respondents' Exhibit 2 to be the operative request at issue. Accordingly, Respondents' Exhibit 2 was marked as a full exhibit (see paragraph 6, above).

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. Section 1-206(a), G.S., provides in relevant part:

Any denial of the right to inspect or copy records provided for under section 1-210 shall be made to the person requesting such right by the public agency official who has custody or control of the public record, **in writing, within four business days of such request Failure to comply with a request to so inspect or copy such public record within the applicable number of business days shall be deemed to be a denial.** (Emphasis added.)

12. Section 1-206(b)(1), G.S., provides in relevant part:

Any person denied the right to inspect or copy records under section 1-210 ... or denied any other right conferred by the [FOI] Act may appeal therefrom to the [FOI] Commission, by filing a notice of appeal with said commission. **A notice of appeal shall be filed not later than thirty days after such denial...** For purposes of this subsection, such notice of appeal shall be deemed to be filed on the date it is received by said commission or on the date it is postmarked, if received more than thirty days after the date of the denial from which such appeal is taken. (Emphasis added.)

13. For purposes of §§1-206(a) and 1-206(b)(1), G.S., it is found that the complainant's February 10, 2024 request, described in paragraph 5, above, is deemed to have been denied on February 15, 2024, four business days from the date the respondents received the request.

14. It is found that the complainant's complaint was received and filed by the Commission on May 13, 2024, which is 88 days after the February 15, 2024 denial of the complainant's request described in paragraph 13, above.

15. No evidence exists in the Administrative Record that the complainant renewed his request for the records described in paragraph 5, above, at any time between his February 10, 2024 request and the filing of his complaint in this matter on May 13, 2024.

16. Based on the foregoing, it is found that the complainant did not file his appeal within thirty days of the denial of his records request at issue in this matter, as required by §1-206(b)(1), G.S.

17. It is therefore concluded that the Commission lacks jurisdiction over this matter.

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

1. The complaint is dismissed.

Approved by Order of the Freedom of Information Commission at its regular meeting of April 23, 2025.

/s/ Jennifer M. Mayo

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:

JAMES MITCHELL, #253732, MacDougall-Walker Correctional Institution, 1153 East Street, South, Suffield, CT 06080

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

/s/ Jennifer M. Mayo
Jennifer M. Mayo
Acting Clerk of the Commission