

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In The Matter of a Complaint by

FINAL DECISION

James Dixon,

Complainant

against

Docket #FIC 2025-0748

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

Respondents

August 12, 2026

The above-captioned matter was heard as a contested case on April 23, 2026, at which time the complainant and the 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 (“DOC”). 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.).

In response to testimony by the respondents regarding the potential for disclosure of a copy of the table of contents to the 236-page incident report, described further below, the hearing officer issued two additional orders, dated July 7, 2026, and July 21, 2026, respectively, directing the respondents to inform the Commission whether they had determined if such table of contents would be provided to the complainant. By email dated July 22, 2026, the respondents represented that they provided the complainant with said table of contents on July 7, 2026, with some redactions made pursuant to § 1-210(b)(18), G.S. (the “redacted table of contents”). Such communications and the redacted table of contents have been marked and admitted into evidence as follows: Respondents’ Exhibit 1 (after-filed): 2 page email chain, dated July 8, 2026; Respondents’ Exhibit 2 (after-filed): 1 page Incident Report Package List of Contents, dated January 10, 2024; and Respondents’ Exhibit 3 (after-filed): 2 page email chain, dated July 22, 2026.

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 July 26, 2025, the complainant made a request to the respondents for the following:
 - a. any and all FOI requests pertaining to Corrigan Correctional Center (the “facility”) documents and/or report numbers CCC2401072 and CCC2401045; and
 - b. any and all documents, supplemental reports and photos of evidence generated by the respondents at the facility pertaining to document and/or report numbers CCC2401072 and CCC2401045.
3. It is found that, by letter dated August 4, 2025, the respondents acknowledged the complainant’s request.
4. By complaint filed on August 20, 2025, the complainant appealed to this Commission alleging that the respondents violated the Freedom of Information (“FOI”) Act by failing to comply with the request described in paragraph 2, above.
5. 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.
6. 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 ... (3) receive a copy of such records in accordance with section 1-212.
7. 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.”

8. It is concluded that the records described in paragraph 2, above, are public records within the meaning of §§1-200(5) and 1-210(a), G.S.

9. With respect to the complainant's request described in paragraph 2, above, it is found that in the time following the filing of the complaint in this matter, but prior to the April 23, 2026 hearing, the complainant informed the respondents that he was only seeking a copy of an incident report for an incident that occurred on January 10, 2024, and pertaining to disciplinary report numbers CCC2401072 and CCC2401045.

10. At the hearing on this matter, the respondents claimed that they identified a 236-page incident report that is responsive to the request described in paragraphs 2 and 9, above, but that such incident report is exempt from disclosure in its entirety, pursuant to §1-210(b)(18), G.S., and in the alternative, §18-101f, G.S. However, during the course of the hearing, the respondents' witness, an FOI Administrator, testified, and it is found, that the table of contents attached to the incident report could be disclosed to the complainant, albeit with some redactions. The respondents represented to the Commission in a post-hearing filing, dated July 22, 2026, that a redacted copy of such table of contents attached to the incident report was provided to the complainant on July 7, 2026.

11. Pursuant to an order of the hearing officer, dated April 28, 2026, the respondents submitted the records at issue (the "in camera records") to the Commission for in camera inspection. On the Index, the in camera records are described as a 236-page incident report, and the respondents identify, therein, that such records, or portions thereof, are also exempt from disclosure pursuant to §§1-210(b)(18)(D), (G) and (H), G.S.; §1-210(b)(8), G.S.; §1-210(b)(10), G.S., and §53a-70, G.S.

12. With regard to the respondents' contention that the in camera records, with the exception of the table of contents, are exempt from disclosure in their entirety pursuant to §1-210(b)(18), G.S., such section provides, in relevant part, that a public agency may withhold from disclosure:

Records, 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

13. The respondents' witness testified, and it is found, that the in camera records pertain to the January 10, 2024 incident, described in paragraph 9, above, at a correctional facility regarding the introduction and distribution of contraband within the facility. It is further found that such records include intelligence gathered, investigatory methods and techniques, as well as statements from inmates and DOC staff. It is further found that, due to the nature of the incident, the contraband found, and the potential for misconduct on the part of staff, the incident report was escalated to the Security Division

for further investigation, and that such investigation remains pending.

14. It is found that disclosure of the in camera records could result in the disclosure of information regarding how contraband is introduced and distributed within the facility, investigatory techniques used as part of an investigation, the assignment and movement of staff and inmates within the facility, as well as lockdown procedures.

15. Based upon all of the foregoing, and a careful inspection of the in camera records, it is found that the respondent Commissioner has reasonable grounds to believe that disclosure of such records 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 DOC, pursuant to §1-210(b)(18), G.S., and that the reasons given are bona fide and not pretextual or irrational. It is therefore found that the in camera records, with the exception of the table of contents, are exempt from disclosure pursuant to §1-210(b)(18), G.S.

16. With respect to the redacted table of contents, the respondents contend that the redacted portions are also exempt from disclosure pursuant to §1-210(b)(18), G.S. It is found that such portions contain the first name of a DOC employee, and describe intel and evidence gathered during the investigation.

17. The Commission has previously found that the first names of staff members of the DOC are exempt from disclosure pursuant to §1-210(b)(18), G.S. See Curt Rivard v. Jon Brighthaupt, Deputy Warden, State of Connecticut, Department of Correction, Northern Correctional Institution, et al., Docket #FIC 2009-350 (May 12, 2010) (“Rivard”).

18. In Rivard, the Commission found that “the use of only last names creates and maintains the formal relationship between staff and inmates that is necessary to maintain order in a correctional institution or facility because the formality generates respect for a staff member and his or her authority.” The Commission further found that “if an inmate does not respect a staff member or his or her authority, he is more likely to disobey directives which may result in a safety risk...within the meaning of §1-210(b)(18), G.S.”

19. Accordingly, the Commission concluded in Rivard that the Commissioner of Correction had reasonable grounds to believe that disclosure of the first names of staff members may result in a safety risk, and therefore, the respondents did not violate the FOI Act by withholding such information.

20. In addition, the Commission has previously determined that the disclosure of intel gathered from an investigation may result in a safety and security risk and thus such information is exempt from disclosure pursuant to §1-210(b)(18), G.S. See e.g., Luis Salaman v. Rollin Cook, Commissioner, State of Connecticut, Department of Correction; and State of Connecticut, Department of Correction, Docket #FIC 2018-0710 (October 23, 2019).

21. Based upon the foregoing, and a careful review of the table of contents, it is found that the respondent Commissioner has reasonable grounds to believe that disclosure of the redacted portions of the table of contents, as described in paragraph 16, above, 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 DOC, pursuant to §1-210(b)(18), G.S., and that the reasons given are bona fide and not pretextual or irrational. It is therefore found that such information is exempt from disclosure pursuant to §1-210(b)(18), G.S.

22. It is concluded that the respondents did not violate §§1-210(a) and 1-212(a), G.S., when they withheld from disclosure the in camera records and the redacted portions of the table of contents.¹

23. It is found, however, that the respondents did not provide the complainant with the redacted table of contents until July 7, 2026, after the hearing on this matter, and nearly a full year following the request in this matter.

24. Thus, it is concluded that the respondents violated the promptness provisions of §§1-210(a) and 1-212(a), G.S., by withholding the table of contents from the complainant for more than 11 months.

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

1. Henceforth, the respondents shall strictly comply with the promptness provisions of §§1-210(a) and 1-212(a), G.S.

Approved by Order of the Freedom of Information Commission at its regular meeting of August 12, 2026.


Jennifer M. Mayo
Acting Clerk of the Commission

¹ Because it has been determined that the respondents have not violated the disclosure provisions of the FOI Act, the Commission need not consider the respondents' remaining claims of exemption in this matter.

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 DIXON, #269377, 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, State of Connecticut, Department of Correction, 24 Wolcott Hill Road, Wethersfield, CT 06109


Jennifer M. Mayo
Acting Clerk of the Commission