

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

Jacqueline Rabe Thomas,

Complainant

against

Docket #FIC 2025-0537

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

Respondents

June 24, 2026

The above-captioned matter was heard as a contested case on March 17, 2026 and May 19, 2026, at which times the complainant and the respondents appeared, stipulated to certain facts and presented testimony, exhibits and argument on the complaint. The case caption has been amended, without objection, to accurately reflect the complainant in this matter.

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 emails dated March 11, 2025, May 6, 2025, and May 12, 2025, the complainant requested copies of certain records related to individuals who had died while in the custody of the respondent Department of Correction (“DOC”).
3. It is found that the respondents acknowledged the complainant’s requests, and the parties engaged in considerable email and telephone communications related to the requested records referenced in paragraph 2, above.
4. By complaint, dated and filed June 27, 2025, the complainant appealed to this Commission, alleging that the respondents violated the Freedom of Information (“FOI”) Act by failing to promptly provide the records described in paragraph 2, above.
5. 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.

6. 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.

7. 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.”

8. It is concluded that the requested records, to the extent they exist and are maintained by the respondents, are public records within the meaning of §§1-200(5) and 1-210(a), G.S.

9. It is found that, subsequent to the appeal to this Commission, the complainant and the respondents continued to communicate. It is found that, by email dated December 16, 2025, the respondents sent the complainant a summary of their understanding of the records at issue in this complaint and their strategy for searching for and providing responsive records.

10. At the March 17th hearing on this matter, the complainant submitted the email described in paragraph 9, above, as Complainant’s Exhibit C: Email correspondence from the respondents to the complainant, dated December 16, 2025. Such email was thereafter admitted into evidence in this matter. The parties stipulated, and it is found, that Complainant’s Exhibit C identifies the requested records at issue in this complaint (“stipulated records request”).

11. It is found that, pursuant to the stipulated records request, the complainant requested, in addition to other records no longer at issue in this complaint, copies of the following:

- (a) “[a]ll investigations into deaths of incarcerated persons that occur within DOC facilities (this will include the incident reports and security division investigations). Insofar as there are other investigations, those will be provided...
 - (i) “begin by looking at a list of death investigations with Security Division, insofar as such a list exists, that were closed out [in 2025] and reviewing those for any necessary redactions[;]”
 - (ii) “incident reports of deaths that [DOC] previously provided pursuant to another FOI request ... [and] filter them to only provide the in-

facility deaths [the complainant is] seeking [with the belief that] this would cover the 2019-2021/2022 timeframe[;]”

- (iii) “transcripts of interviews done in the course of a death investigation[, which would be] included in the security division report[;]” and
- (iv) “[a]ny ISBAR documentation[, which] should be encompassed in the Security Division Report....”
- (b) “[a]ny policies, outside of the administrative directives, that exist within Security Division regarding the processing and handling of investigations[;]”
- (c) “STARS monthly report[s] from 2020-present[;]”
- (d) “[t]he monthly waiting lists for outside specialty appointments without any medical information contained therein from 2019-present...[;]”
- (e) “Key Performance Metric Report[s] ... cover[ing] the period of 2019 to present[;]”
- (f) “[m]edical grievance files ... without the medical information contained if such database is organized by patient [or i]f there is aggregate data ... provide that ... [covering the period of] 2019-present[;]”
- (g) “Health Services Unit staffing information (not vacancies) in relation to deficiencies to include use of outside contracted providers ... from 2019 to present...[;]”
- (h) “[any records] separate ... from the STARS report that would provide information relative to the monthly reports indicated in [Administrative Directive] 1.6[;]” and
- (i) “[a]ny medical review completed in relation to the death of an incarcerated individual[, which] would be included in the Security Division investigation[.]”

It is also found that, in the stipulated records request, the parties agreed to the following:

[upon the complainant’s] review of the [records] provided, [she] would let [the respondents] know [if she] wanted to review any video related to any of [the] investigations and [the respondents would] set up time for [her] to do so....

12. At the March 17th hearing in this matter, the complainant stated for the first time that she was now requesting copies of the videos referenced in paragraph 11, above. It is found, however, that such request for copies of videos was not part of the stipulated records request and

is therefore beyond the scope of this complaint, and as such, it will not be further addressed herein.

Provision of Responsive Records

13. With regard to the records described in paragraph 11(a), above, the respondents testified, and it is found, that they do not maintain a list of death investigations that were closed out in 2025. It is therefore found that the respondents do not maintain the records described in paragraph 11(a)(i), above. With respect to the records described in paragraph 11(a)(ii), above, it is found that the respondents provided the complainant with approximately 288 incident reports. The respondents testified, and it is found, that such incident reports are the same incident reports previously disclosed in response to a prior, unrelated FOI request, as referenced in paragraph 11(a)(ii), above. It is therefore found that the respondents provided the complainant with all responsive records described in paragraph 11(a)(ii), above. With respect to the records described in paragraph 11(a)(iii), above, the respondents testified, and it is found, that they were withholding the transcripts of interviews related to the deaths of incarcerated persons, until the Security Division investigations into such deaths are complete.¹ With respect to the records described in paragraph 11(a)(iv), above, the respondents testified, and it is found, that they only located a blank version of the “ISBAR documentation” form (“form”). The respondents witness testified, and it is found, that she had never seen such form populated or utilized in an investigation into the death of an inmate. The respondents’ witness further testified, and it is found, that if such form were completed as part of the Security Division investigation into the death of an inmate, it will be part of the Security Division Report and provided to the complainant upon completion of the investigation.

14. It is therefore concluded that the respondents did not violate the disclosure provisions of §§1-210(a) and 1-212(a), G.S., with respect to the records described in paragraphs 11(a)(i), 11(a)(ii), and 11(a)(iv), above, as alleged by the complainant.

15. With regard to the records described in paragraph 11(b), above, the respondents testified, and it is found, that no responsive policies exist, outside of the respondents’ administrative directives.² It is therefore found that the respondents do not maintain any such responsive records, and as such, it is concluded that the respondents did not violate the disclosure provisions of §§1-210(a) and 1-212(a), G.S., with respect to the records described in paragraph 11(b), above, as alleged by the complainant.

16. With regard to the records described in paragraph 11(c), above, the respondents testified, and it is found, that “STARS monthly reports” do not exist. The respondents also testified, and it is found, that although Executive STARS reports are records that the respondents may maintain, they are completed on an irregular basis. The respondents’ witness testified, and it is found, that she obtained access to the database of Executive STARS reports in January of 2026 and had since been searching through the database and providing responsive records to the

¹ But see paragraphs 26 through 34, below.

² The Commission notes that, in March of 2025, the respondents provided the complainant with Administrative Directive 1.10, which is the respondents’ only policy document that controls the respondents’ investigations.

complainant on a rolling basis. The respondents' witness also testified, and it is found, that, as of the March 17th hearing in this matter, the respondents had provided the complainant with approximately 3,200 pages, representing around forty Executive STARS Reports for the years 2020, 2021, and 2022. The respondents' witness further testified, and it is found, that as of the May 19th hearing in this matter, the respondents had provided the complainant with approximately 1,200 pages of additional Executive Stars Reports.

17. Based upon the finding in paragraph 16, above, it is found that the respondents do not maintain the records described in paragraph 11(c), above, but that the respondents continue to provide similar records to the complainant on a rolling basis. It is therefore concluded that the respondents did not violate the disclosure provisions of §§1-210(a) and 1-212(a), G.S., with respect to the records described in paragraph 11(c), above, as alleged by the complainant.

18. With regard to the records described in paragraph 11(d), above, the respondents testified and the complainant conceded, and it is therefore found, that the respondents provided the complainant with all responsive records. It is therefore concluded that the respondents did not violate the disclosure provisions of §§1-210(a) and 1-212(a), G.S., with respect to the records described in paragraph 11(d), above, as alleged by the complainant.

19. With regard to the records described in paragraph 11(g), above, it is found that the respondents provided the complainant with one responsive record. The respondents testified, and it is found, that such record indicates the respondents' staffing levels by year and is the only responsive record maintained by the respondents that shows Health Services Unit staffing information, as described in paragraph 11(g), above. It is therefore concluded that the respondents did not violate the disclosure provisions of §§1-210(a) and 1-212(a), G.S., with respect to the records described in paragraph 11(g), above, as alleged by the complainant.

20. With regard to the records described in paragraphs 11(e), 11(f), and 11(h), above, the respondents testified, and it is found, that the respondents are continuing to search for responsive records but have not located, and therefore, have not provided all responsive records. With respect to the records described in paragraph 11(e), above, the respondents also testified, and it is found, that they have not located any responsive records and will continue to search. With respect to the records described in paragraph 11(f), above, the respondents testified that they have located four such records that still need to be reviewed and that such records will be provided to the complainant on a rolling basis. With respect to the records described in paragraph 11(h), above, the respondents testified, and it is found, that they have not located any responsive records but are continuing to search for such records. The respondents further testified, however, and it is found, that at the time of the May 19th hearing in this matter, they had been prioritizing the provision of the records described in paragraphs 11(a) and 11(c), above.

21. Based upon the findings in paragraph 20, above, it is found that, as of the date of the hearings in this matter, the respondents have not provided all records responsive to the requests described in paragraphs 11(e), 11(f), and 11(h), above. It is also found, however, that the complainant did not request that such records be prioritized over other records, which are being provided by the respondents on a rolling basis. Given the volume of the records requested, the scope and complexity of the request, and the evidence and testimony presented by the

respondents regarding their efforts to comply with such request, it is concluded that the respondents have not violated the disclosure provisions of §§1-210(a) and 1-212(a), G.S., with respect to the records described in paragraphs 11(e), 11(f), and 11(h), above.³

Incomplete Security Division Investigations

22. With respect to the incident reports and the Security Division Reports described in paragraph 11(a), above, the respondents testified, and it is found, that the respondents' Security Division investigates all major incidents within the DOC's facilities. The respondents also testified, and it is found, that when the Security Division initiates an investigation, the underlying incident report becomes part of the Security Division's investigation and the ensuing Security Division Report.

23. It is found that, on or around March 5, 2026, in addition to the 288 incident reports described in paragraph 13, above, the respondents provided the complainant with thirteen other incident reports that were not previously disclosed. The respondents testified, and it is found, that they will continue to search for, review, and produce responsive incident reports to the complainant on a rolling basis. The respondents also testified, and it is found, that they are withholding from disclosure incident reports from Security Division investigations that have not yet been closed.

24. It is found that, in May of 2026, shortly before the May 19th hearing in this matter, the respondents provided the complainant with three Security Division Reports. The respondents testified that Security Division Reports are generally between 100 to 500 pages long. The respondents also testified, and it is found, that of the approximately forty investigations that have been conducted into the deaths of inmates between 2019 and 2025, only approximately ten such investigations have been completed. The respondents further testified as to multiple reasons why such death investigations take longer to conclude than sixty business days, as set forth in Administrative Directive 1.10.

25. The respondents testified, and it is found, that they will continue to review completed Security Division Reports, redact certain information, and provide the complainant with such Security Division Reports on a rolling basis.

26. The respondents also testified, and it is found, that they were withholding unfinished Security Division Reports, and the incident reports therein, until the respondents have completed their respective Security Division investigation(s). The respondents contended that all such records are exempt from disclosure pursuant to §1-210(b)(3), G.S.⁴

27. Section 1-210(b)(3), G.S., provides that disclosure is not required of:

³ The Commission encourages the respondents to continue searching for, and providing to the complainant, the records described in paragraphs 11(e), 11(f), and 11(h), above, on a rolling basis.

⁴ At the hearings in this matter, the respondents expressly stated that they were not claiming §1-210(b)(1), G.S., as a basis to withhold the unfinished Security Division Reports.

[r]ecords of law enforcement agencies not otherwise available to the public which records were compiled in connection with the detection or investigation of crime, if the disclosure of said records would not be in the public interest because it would result in the disclosure of (A) the identity of informants or mandated reporters, as described in subsection (b) of section 17a-101, not otherwise known whose safety would be endangered or who would be subject to threat or intimidation if their identity was made known, (B) the identity of minor witnesses, (C) signed or sworn statements of witnesses, (D) information to be used in a prospective law enforcement action if prejudicial to such action, (E) investigatory techniques not otherwise known to the general public, (F) arrest records of a juvenile, which shall also include any investigatory files, concerning the arrest of such juvenile, compiled for law enforcement purposes, (G) the name and address of the victim of a sexual assault under 53a-70, 53a-70a, 53a-71, 53a-72a, 53a-72b or 53a-73a, voyeurism under section 53a-189a, injury or risk of injury, or impairing of morals under section 53-21 or family violence, as defined in section 46b-38a, or of an attempt thereof, or (H) uncorroborated allegations subject to destruction pursuant to section 1-216....

28. The respondents argued that releasing information from unfinished Security Division Reports would be prejudicial to the respondents' investigations. For example, the respondents' witness testified that if potential witnesses received information that is otherwise unknown, prior to interviews being conducted, it could taint the interview process and the overall investigation.

29. It is found, however, that despite the hearing officer orally ordering the respondents to be prepared to address claims of exemption for the incomplete Security Division investigations at the May 19th hearing on this matter, the respondents did not provide evidence or argument at such hearing to establish that the Department of Correction is a "law enforcement agency" within the meaning of §1-210(b)(3), G.S. At the time of drafting the Report of Hearing Officer in this matter, the hearing officer was unaware of any decision of the Connecticut Courts or the Commission's own administrative proceedings wherein it had been determined that the DOC is a "law enforcement agency" within the meaning of §1-210(b)(3), G.S. Moreover, status as a law enforcement agency under §1-210(b)(3), G.S., is not, in and of itself, an exemption to disclosure under the FOI Act, and the respondents did not establish the other criteria set forth in §1-210(b)(3), G.S., or specifically argue which subsection(s) they were claiming as the basis for withholding unfinished Security Division Reports.

30. In their brief to the full Commission, the respondents, for the first time, rely upon Robert Irizarry v. Warden, Willard Correctional Institution, State of Connecticut, Department of Correction, Docket #FIC 1995-419 (October 23, 1996) ("Irizarry"), a single Commission decision from approximately thirty years ago, to support their argument that they are a "law enforcement agency" within the meaning of §1-210(b)(3), G.S. It is unclear from the Final Decision in Irizarry, however, the factual and legal basis upon which the Commission relied in

concluding that the DOC was a “law enforcement agency” in that case.⁵ Nonetheless, it is found that the specific facts and evidence in Irizarry are distinguishable from the present matter.

31. The Security Division file at issue in Irizarry was generated as part of a “simultaneous investigation” conducted by the DOC’s Security Division *and* the Connecticut State Police (“CSP”) into allegations of inappropriate and/or criminal activity by DOC staff. The Security Division file, which contained a finalized Security Division Report, was “generated as a result of” such simultaneous investigation. Conversely, in the present matter, it is found that only one of approximately thirty responsive Security Division Reports is associated with a CSP investigation and that all such responsive Security Division Reports are unfinished reports. It is also found that the respondents did not testify that the Security Division’s investigation into that one matter was being conducted “simultaneously” alongside, or in conjunction with, the CSP’s investigation, but rather, that the Security Division investigation was put on hold until the CSP’s investigation is complete. The findings in Irizarry establish that the respondents presented evidence regarding the specific Security Division investigation at issue in that matter. In the present matter, however, the respondents provided generalized testimony about all Security Division investigations, but for the one unidentified Security Division investigation associated with a CSP investigation. The respondents testified that, with respect to such unidentified Security Division investigation, it had been halted due to an investigation by the CSP. However, other unidentified investigations were delayed due to unavailable witnesses and/or incomplete medical examinations.

32. Based upon the foregoing, and the facts and circumstances of this case, it is found that the respondents failed to prove that, with respect to the records at issue in this case, the DOC is a “law enforcement agency” within the meaning of §1-210(b)(3), G.S. It is further concluded that the respondents, therefore, failed to prove that the unfinished Security Division Reports are exempt from disclosure pursuant to §1-210(b)(3)(D), G.S.⁶

33. It is therefore concluded that the respondents violated the disclosure provisions of §§1-210(a) and 1-212(a), G.S., by withholding unfinished Security Division Reports, and the incident reports therein, referenced in paragraphs 11(a) and 26, above.

34. For the foregoing reasons, it is also found that the respondents failed to prove that the transcripts of interviews referenced in paragraph 11(a)(iii), above, are exempt from disclosure pursuant to §1-210(b)(3), G.S., and it is therefore concluded that the respondents violated the disclosure provisions of §§1-210(a) and 1-212(a), G.S., by withholding such transcripts of interviews.

⁵ The Commission also notes that Irizarry was decided approximately three years prior to the enactment of §1-210(b)(18), G.S., which permits the respondents to withhold records, the disclosure of which the Commissioner of DOC has reasonable grounds to believe may result in a safety risk.

⁶ The Commission declines to overturn or revisit the decision in Irizarry, in favor of awaiting an appropriate case, if one should arise.

Promptness

35. With regard to the complainant's allegation that the respondents failed to provide responsive records promptly, this Commission takes guidance from Advisory Opinion #51, In the Matter of a Request for Declaratory Ruling, Third Taxing District of the City of Norwalk, Applicant (Notice of Final Decision dated January 11, 1982).

36. In Advisory Opinion #51, the Commission advised that the word "promptly," as used in §1-210(a), G.S., means quickly and without undue delay, taking into consideration all of the factors presented by a particular request. As the court recognized in Commissioner of Department of Emergency Services and Public Protection v. Freedom of Info. Comm'n, 70 Conn. L. Rptr. 203, 2020 WL 5540637, at *6 (Conn. Super. Ct. 2020) ("DESPP v. FOI Comm'n"), a public agency should consider its obligations under the FOI Act as a "primary duty" of that agency, "on par with the [agency's] other significant duties, or said another way, that the agency's FOIA duty is not a second class duty."

37. The advisory opinion goes on to describe some of the factors that should be considered in weighing a request for records against other priorities: the volume of records requested; the time and personnel required to comply with a request; the time by which the person requesting records needs them; the time constraints under which the agency must complete its other work; the importance of the records to the requester, if ascertainable; and the importance to the public of completing the other agency business without the loss of the personnel time involved in complying with the request.

38. It is found that, although the complainant did not specify the time by which she needed responsive records, she did follow up with the respondents on multiple occasions and worked with the respondents in attempts to clarify her request and limit the scope of her request. The complainant conceded, however, that despite communication between the parties, there remained considerable confusion regarding which records the respondents should have prioritized and how easily the respondents would be able to conduct searches for responsive records.

39. It is found that, as of the May 19th hearing in this matter, it had been approximately one year since the complainant's May 12, 2025 records request. It is also found, however, that the parties engaged in many discussions regarding multiple related records requests and, ultimately, agreed that the records at issue in this matter were identified in the stipulated records request described in paragraph 11, above. It is further found that the parties agreed to the stipulated records request approximately seven months after the May 12th records request, and that, as of the May 19th hearing in this matter, it had been approximately five months since the stipulated records request.

40. It is found that the volume of records requested is high and that, as of the May 19th hearing in this matter, the respondents had provided the complainant with over 4,400 pages of responsive records. The respondents testified, and it is found, that the complainant's request is extensive and complex, and they do not track incident reports and Security Division investigations in the manner contemplated by the complainant's request. The respondents also

testified, and it is found, that searches for responsive records must be conducted in different databases with varying levels of authorized access and separate facilities with varying methods for maintaining and organizing certain responsive records. The respondents further testified, and it is found, that their systems are antiquated, making it even more difficult to search for records responsive to this type of complex request.

41. The respondents' witness testified, and it is found, that she is the person predominantly tasked with responding to FOI requests received by the DOC and that she was the person responsible for responding to the records request at issue here. The respondents' witness also testified, and it is found, that in 2025, at the time of the complainant made her records request, the respondents received over 4,500 public records requests, and they had a nineteen-day average response time for such requests. The respondents witness further testified, and it is found, that of the over 4,500 public records requests received by DOC, roughly 2,500 were assigned to her for processing.

42. The respondents' witness testified, and it is found, that she worked with the complainant to attempt to clarify what the complainant was requesting in this matter and that she had spent multiple late nights and weekends working to provide responsive records. The respondents' witness further testified, and it is found, that, as of the May 19th hearing in this matter, she had spent "hundreds of hours" working on this request.

43. The respondents testified, and it is found, that they will continue to locate, review and disclose responsive records on a rolling basis.

44. Based upon all of the foregoing, it is concluded that the respondents did not violate the promptness requirements of §§1-210(a) and 1-212(a), G.S., 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. Forthwith, the respondents shall undertake a diligent and thorough search for the records described in paragraphs 33 and 34 of the findings, above, and promptly provide copies of such records to the complainant, free of charge, and on a rolling basis, with the first provision of records occurring no later than within thirty (30) days of the date of the Notice of Final Decision in this matter.

2. In complying with paragraph 1 of the order, above, the respondents may withhold or redact such records, or portions thereof, that are exempt from disclosure pursuant to §1-210(b)(18), G.S., or that are the subject of a mandatory exemption.

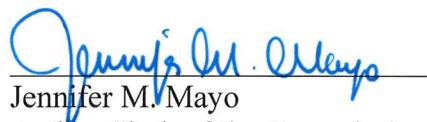
3. If any records, or portions thereof, are withheld pursuant to paragraph 2 of the order, above, the respondents shall submit an affidavit to the complainant that is sworn to or attested by a person with the requisite knowledge identifying and briefly describing the withheld information or record(s) and the statutory basis for withholding such information or record(s). Such affidavit(s) shall be submitted contemporaneously with the corresponding records, as

described in paragraph 1 of the order, above, with the first provision of records occurring no later than within thirty (30) days of the date of the Notice of Final Decision in this matter.

4. If the respondents fail to comply with any order set forth in paragraphs 1 through 3, above, the complainant may file an appeal with the Commission, and the complainant may request that such appeal be afforded expedited treatment.

5. Henceforth, the respondents shall strictly comply with the disclosure 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 June 24, 2026.

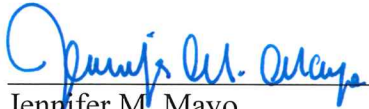

Jennifer M. Mayo
Acting Clerk of the Commission

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:

JACQUELINE RABE THOMAS, Hearst CT Media, PO Box 330238, West Hartford, CT 06133

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