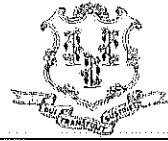


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FREEDOM OF INFORMATION



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Gaylord Salters,
Complainant(s)

against

Chief, Police Department, City of New Haven;
Police Department, City of New Haven;
Commissioner, State of Connecticut,
Department of Correction; and State of
Connecticut, Department of Correction,
Respondent(s)

Notice of Rescheduled
Commission Meeting

Docket #FIC 2012-407

April 30, 2013

This will notify you that the Freedom of Information Commission has rescheduled the above-captioned matter, which had been noticed to be heard on Wednesday, May 8, 2013 at 2 p.m.

The Commission will consider the case at its meeting to be held at the Freedom of Information Commission Hearing Room, 18-20 Trinity Street, 1st floor, Hartford, Connecticut, at **2:00 p.m. on Wednesday, May 22, 2013.**

Any brief, memorandum of law or request for additional time, as referenced in the April 18, 2013 Transmittal of Proposed Final Decision, should be received by the Commission on or before May 10, 2013.

By Order of the Freedom of
Information Commission

W. Paradis
Acting Clerk of the Commission

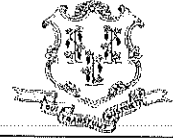
Notice to: Gaylord Salters
James E. Neil, Esq.,
Kathleen M. Foster, Esq.
cc: Kristine Barone

2013-04-30/FIC# 2012-407/ReschedTrans/wrbp/LFS/VDH

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Gaylord Salters,
Complainant(s)
against

Notice of Meeting

Docket #FIC 2012-407

Chief, Police Department, City of New Haven;
Police Department, City of New Haven;
Commissioner, State of Connecticut,
Department of Correction; and State of
Connecticut, Department of Correction,
Respondent(s)

April 18, 2013

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 the Freedom of Information Commission Hearing Room, 18-20 Trinity Street, 1st floor, Hartford, Connecticut, at **2 p.m. on Wednesday, May 8, 2013**. At that time and place you will be allowed to offer oral argument concerning this proposed finding and order. 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 April 26, 2013**. 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, the Commission requests that an **original and fourteen (14) copies** be filed **ON OR BEFORE April 26, 2013**. 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 **fourteen (14) copies** be filed **ON OR BEFORE April 26, 2013**, 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

W. Paradis
Acting Clerk of the Commission

Notice to: Gaylord Salters
James E. Neil, Esq., Kathleen M. Foster, Esq.
cc: Kristine Barone

4/18/13/FIC# 2012-407/Trans/wrbp/LFS/VDH

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FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

Report of Hearing Officer

Gaylord Salters,

Complainant

against

Docket #FIC 2012-407

Chief, Police Department, City of New Haven; Police Department, City of New Haven; Commissioner, State of Connecticut, Department of Correction; and State of Connecticut, Department of Correction,

Respondents

April 18, 2013

The above-captioned matter was heard as a contested case on April 4, 2013, at which time 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 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.). The case was consolidated for hearing with Docket #FIC 2012-414; Gaylord Salters v. Commissioner, State of Connecticut, Department of Correction; and State of Connecticut, Department of Correction. Before the hearing began, the complainant withdrew his complaint against the Chief of the New Haven Police Department and the New Haven Police Department.

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 in May, 2012, the complainant requested from the New Haven Police Department a copy of the "complete rap sheet" of a witness in the complainant's criminal case.
3. It is found that the New Haven Police Department delivered the requested records to the Freedom of Information Administrator for the Department of Correction ("DOC"), pursuant to §1-210(c), G.S., in the manner articulated in the Method of Compliance posted on the Freedom of Information Commission's website.

4. It is found that on July 9, 2012, the DOC FOI Administrator informed the complainant by letter that they received records from the New Haven Police Department, but that the DOC was withholding them from the complainant based on §1-210(b)(18), G.S.

5. By letter of complaint filed July 20, 2012, the complainant appealed to the Commission, alleging that DOC violated the Freedom of Information (“FOI”) Act by failing to provide him with copies of records.

6. Section 1-200(5), G.S., defines “public records” as follows:

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

7. 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 ... receive a copy of such records in accordance with the provisions of section 1-212.

8. 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.”

9. It is concluded that the records requested by the complainant are public records within the meaning of §§1-200(5), 1-210(a), and 1-212(a), G.S.

10. Section 1-210(b)(18), G.S., exempts:

Records, the disclosure of which the Commissioner of Correction, or as it applies to Whiting Forensic Division facilities of the Connecticut Valley Hospital, the Commissioner of Mental Health and Addiction Services, 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 or Whiting Forensic Division facilities. Such records shall include, but are not limited to:

(A) Security manuals, including emergency plans contained or referred to in such security manuals;

(B) Engineering and architectural drawings of correctional institutions or facilities or Whiting Forensic Division facilities;

(C) Operational specifications of security systems utilized by the Department of Correction at any correctional institution or facility or Whiting Forensic Division facilities, except that a general description of any such security system and the cost and quality of such system may be disclosed;

(D) Training manuals prepared for correctional institutions and facilities or Whiting Forensic Division facilities that describe, in any manner, security procedures, emergency plans or security equipment;

(E) Internal security audits of correctional institutions and facilities or Whiting Forensic Division facilities;

(F) Minutes or recordings of staff meetings of the Department of Correction or Whiting Forensic Division facilities, or portions of such minutes or recordings, that contain or reveal information relating to security or other records otherwise exempt from disclosure under this subdivision;

(G) Logs or other documents that contain information on the movement or assignment of inmates or staff at correctional institutions or facilities; and

(H) Records that contain information on contacts between inmates, as defined in section 18-84, and law enforcement officers.

11. Based on the testimony by the respondents, it is found that the information contained in the "rap sheet" requested by the complainant poses a security threat within the correctional institution. It is found that the respondents' policy is to prohibit inmates from maintaining "rap sheets" within the institution.

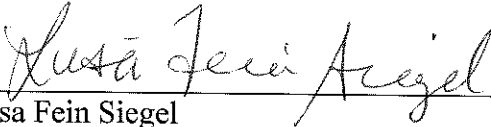
12. It is found that the commissioner has reasonable grounds to believe that disclosure of the records requested by the complainant may result in a safety risk.

13. It is concluded, therefore, that such records are exempt from disclosure.

14. Accordingly, it is concluded that the DOC did not violate the FOI Act as alleged.

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

1. The complaint is dismissed against all parties.



Lisa Fein Siegel
as Hearing Officer

FIC2012-407/HOR/LFS/04152103