

TO: Freedom of Information Commission
FROM: Thomas A. Hennick
RE: Minutes of the Commission's regular meeting of October 13, 2021

A regular meeting of the Freedom of Information Commission was held on October 13, 2021. Due to public health concerns surrounding the COVID-19 pandemic, the Commission meeting of October 13, 2021 was conducted telephonically. The meeting convened at 2:00 p.m. with the following Commissioners present:

Commissioner Owen P. Eagan, presiding
Commissioner Jay Shaw
Commissioner Jonathan J. Einhorn
Commissioner Matthew Streeter
Commissioner Christopher P. Hankins
Commissioner Lenny T. Winkler
Commissioner Stephen Fuzesi Jr.

Also present were staff members, Colleen M. Murphy, Mary E. Schwind, Kathleen K. Ross, Valicia D. Harmon, Paula S. Pearlman, Danielle L. McGee, Matthew D. Reed, C. Zack Hyde, Cindy Cannata and Thomas A. Hennick.

The Commissioners unanimously voted to approve the Commission's regular meeting minutes of September 22, 2021.

Those in attendance were informed that the September 22, 2021 regular meeting of the Commission was being recorded.

[Docket #FIC 2020-0151](#) Howard Gombert Jr. v. Spencer Cerruto, Chief, Police Department, Town of New Milford; Police Department, Town of New Milford; and Town of New Milford

The Commissioners unanimously voted to adopt the Hearing Officer's Report. The proceedings were digitally recorded.

[Docket #FIC 2020-0295](#) Victor Velasco v. Rollin Cook, Commissioner, State of Connecticut, Department of Correction; and State of Connecticut, Department of Correction

Victor Velasco appeared on his own behalf. Attorney Lori McCurdy appeared on behalf of the respondents. The Commissioners unanimously voted to amend the Hearing Officer's Report. The Commissioners unanimously voted to adopt the Hearing Officer's Report as amended. * The proceedings were digitally recorded.

[Docket #FIC 2020-0317](#)

Bryan Jordan v. Frank Limon, Chief, Police Department, City of New Haven; Police Department, City of New Haven; and City of New Haven

The Commissioners unanimously voted to adopt the Hearing Officer's Report. The proceedings were digitally recorded.

[Docket #FIC 2021-0019](#)

Leon Sanders v. Chief, Police Department, Town of Ansonia; Police Department, Town of Ansonia; and Town of Ansonia

The Commissioners unanimously voted to adopt the Hearing Officer's Report. The proceedings were digitally recorded.

[Docket #FIC 2020-0246](#)

William Effros v. Chairman, Planning and Zoning Commission, Town of Greenwich; Planning and Zoning Commission, Town of Greenwich; and Town of Greenwich

William Effros appeared on his own behalf. Attorney Abby Wadler appeared on behalf of the respondents. The Commissioners voted, 5-1, to adopt the Hearing Officer's Report. Commissioner Shaw voted against adoption. Commissioner Einhorn did not participate in this matter. The proceedings were digitally recorded.

[Docket #FIC 2020-0352](#)

Bill Effros v. Chairman Planning and Zoning Commission, Town of Greenwich; Planning and Zoning Commission, Town of Greenwich; and Town of Greenwich

William Effros appeared on his own behalf. Attorney Abby Wadler appeared on behalf of the respondents. The Commissioners voted, 6-0, to adopt the Hearing Officer's Report. Commissioner Einhorn did not participate in this matter. The proceedings were digitally recorded.

[Docket #FIC 2020-0364](#)

Gordon Duke v. Board of Selectmen, Town of Newtown; and Town of Newtown

The Commissioners unanimously voted to adopt the Hearing Officer's Report. The proceedings were digitally recorded.

[Docket #FIC 2021-0009](#)

Lisa Edwards v. Commissioner, State of Connecticut,
Department of Mental Health and Addiction
Services; and State of Connecticut, Department of
Mental Health and Addiction Services

Attorney Deborah Moore appeared on behalf of the respondents. The Commissioners voted, 6-0, to adopt the Hearing Officer's Report. Commissioner Einhorn did not participate in this matter. The proceedings were digitally recorded.

[Docket #FIC 2021-0055](#)

Sheri Speer v. Building Department, City of
Norwich; Planning and Zoning/Zoning Enforcement,
City of Norwich; Tax Collector, City of Norwich;
and City of Norwich

Sheri Speer appeared on her own behalf. Attorney Michael Carey appeared on behalf of the respondents. The Commissioners voted, 6-0, to adopt the Hearing Officer's Report. Commissioner Einhorn did not participate in this matter. The proceedings were digitally recorded.

Colleen M. Murphy reported on pending appeals.

Colleen M. Murphy reported that staff had revisited current remote operations and discussed options for moving from remote proceedings to in person meetings and hearings and determined that current protocols should remain in place through the fall and winter months. At that juncture, in person and hybrid options for meetings and hearings will be explored. Executive Director Murphy also reported that software to allow multiple hearings to be held simultaneously had been delivered and would be installed and in use in the near future.

Colleen M. Murphy reported that Attorney Jennifer Miller would join the staff on October 22.

The meeting was adjourned at 3:15 p.m.

Thomas A. Hennick
MINREGmeeting 10132021/tah/10142021

AMENDMENTS

Docket #FIC 2020-0295 Victor Velasco v. Rollin Cook, Commissioner, State of Connecticut, Department of Correction; and State of Connecticut, Department of Correction

The Hearing Officer's Report was amended as follows:

15. With regard to the videos, the respondents requested that the hearing officer take administrative notice of the testimony of the witnesses in Victor Velasco v. Rollin Cook, Commissioner, State of Connecticut, Department of Correction et al., Docket #FIC 2020-0294 (SEPTEMBER 8, 2021), as to the safety and security concerns that may result from disclosure of video recordings of images of the inside of a correctional institution. The hearing officer granted such request and administrative notice is hereby taken of the following testimony in Docket #FIC 2020-0294: that the requested video recordings depict the locations of the security cameras, which in turn depict the areas covered and not covered by the cameras; staffing levels and escorting procedures; locations of doors and windows; types of locks on the doors; location of the "traps" on the doors; and the method by which restraints are removed from the inmates for medical procedures; and that disclosure of the videos may result in the risk of escape because the videos reveal vulnerabilities in the security of the facilities, and that disclosure of a series of videos could create a complete picture of the inside of the facility, which could be studied by someone on the outside and provided to an inmate for the purpose of planning an escape.

17. Since that decision, the Commission has deferred to the judgment and experience of the Commissioner of the Department of Correction ("DOC") regarding safety and security risks and consistently found that video recordings of the inside of a correctional institution are exempt from disclosure pursuant to §1-210(b)(18), G.S., in cases in which a witness for the DOC has testified as to what is depicted on the video, and explained how disclosure of such video may result in a safety risk, and in which it was found that such reasons were bona fide, rational and not pretextual. See e.g., Robin Elliot v. Warden, State of Connecticut, Department of Correction et al., Docket #FIC 2008-733 (July 1, 2009); Brandon Holloway v. State of Connecticut, Department of Correction et al., Docket #FIC 2011-066 (January 11, 2012); Ira Alston v. Commissioner, State of Connecticut, Department of Correction et al., Docket #2015-882 (September 14, 2016); Charles Fonck, III v. Scott Semple, Commissioner, State of Connecticut, Department of Correction et al., Docket #FIC 2018-0155 (December 19, 2018); Seth Kerschner v. Commissioner, State of Connecticut, Department of Correction, et al., Docket #FIC 2018-0106 (December 19, 2018); Victor Velasco v. Commissioner, State of Connecticut, Department of Correction et al., Docket #FIC 2018-0705 (September 25, 2019); Albert Farah v. Commissioner, State of Connecticut, Department of Correction, et al., Docket #FIC 2020-0287 (July 28, 2021)[.]; **VICTOR VELASCO V. ROLLIN COOK, COMMISSIONER, STATE OF CONNECTICUT, DEPARTMENT OF CORRECTION ET AL., DOCKET #FIC 2020-0294 (SEPTEMBER 8, 2021).**

32. With regard to the social security number contained in the in camera records, the Commission has consistently declined to order disclosure of such information, based on the finding that “social security numbers are used by both the public and private sector for a wide range of personal identification purposes including but not limited to use of this number for state and federal taxpayer information.....Disclosure of social security numbers would allow persons with knowledge of such numbers to access a wealth of data, including personal, financial, and tax data concerning the individual assigned that number.” See Eric Garrison v. Supervisor, Unclaimed Property Division, State of Connecticut, Office of the Treasurer, Docket #FIC 89-76 [(date)] (SEPTEMBER 13, 1989). See also Robert H. Boone and the Journal Inquirer v. Anthony Milano, District Manager, Metropolitan District Commission, Docket #FIC 2000-173 (August 23, 2000); Yvonne Perkins v. Chief, Police Department, City of Danbury, Docket #FIC 2018-0408 (April 24, 2019).