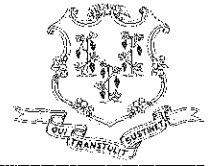


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FREEDOM OF INFORMATION



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Jason Goode

Complainant(s)

Notice of Rescheduled
Commission Meeting

against

Docket #FIC 2015-352

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

Respondent(s)

January 29, 2016

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, January 27, 2016 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, March 9, 2016.**

Any brief, memorandum of law or request for additional time, as referenced in the December 16, 2015 Transmittal of Proposed Final Decision, should be received by the Commission on or before February 26, 2016.

By Order of the Freedom of Information Commission

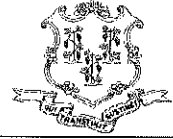
W. Paradis,
Acting Clerk of the Commission

Notice to:
Jason Goode
Attorney James Neil
cc: Craig Washington

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Jason Goode,
Complainant(s)
against

Notice of Meeting

Docket #FIC 2015-352

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

Respondent(s)

December 16, 2015

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, January 27, 2016**. 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 January 15, 2016**. 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, an **original and fourteen (14) copies** must be filed **ON OR BEFORE January 15, 2016**. **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 **fifteen (15) copies** be filed **ON OR BEFORE January 15, 2016**, 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: Jason Goode
Attorney James Neil
cc: Craig Washington

2015-12-15/FIC# 2015-352/Trans/wrbp/CAL/VDH

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

Report of Hearing Officer

Jason Goode,

Complainant

against

Docket #FIC 2015-352

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

Respondents

October 16, 2015

The above-captioned matter was consolidated for hearing with Docket #FIC 2015-353; also captioned Jason Goode v. Commissioner, State of Connecticut, Department of Correction; State of Connecticut, Department of Correction. Both matters were heard as contested cases on October 8, 2015, at which time the complainant and the 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, 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 application dated April 27, 2015, the complainant made a request to the respondents for copies of “redacted pages of the restrictive housing log book only to show any possible signatures from facility nursing staff on dates: April 12, 2015, April 22, 2015, April 21, 2015 and April 23, 2015” (the “requested records” or sometimes the “records”).
3. It is found that, by letter dated April 27, 2015, the respondents acknowledged and denied the request for the records, citing §1-210(b)(18)(G), G.S.
4. By letter of complaint dated May 13, 2015, and filed on May 20, 2015, the complainant appealed to this Commission, alleging that the respondents violated the Freedom of Information Act (“FOIA”) 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 1-218, whether such data or information be handwritten, typed, tape-recorded, 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 (1) inspect such records promptly during regular office or business hours . . . (3) receive a copy of such records in accordance with 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 or certified copy of any public record.”

8. It is found that, to the extent that the respondents maintain the records described in paragraph 2, above, such records are public records and must be disclosed in accordance with §§1-200(5), 1-210(a) and 1-212(a), G.S., unless they are exempt from disclosure.

9. Relevant parts of §§1-210(b), 1-210(b)(18), and 1-210(b)(18)(G), G.S., provide, that:

“[n]othing in the Freedom of Information Act shall be construed to require disclosure of...[r]ecords, 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...Such records shall include, but are not limited to: ...[l]ogs or other documents that contain information on the movement or assignment of inmates or staff at correctional institutions or facilities...” (emphasis added)

10. It is found that even the redacted form of the unit log book that the complainant requested would disclose the first names and the schedule of the nurses at the correctional institution.

11. Moreover, it is concluded that §1-210(b)(18), G.S., together with §1-210(b)(18)(G), G.S., specifically states that “logs” and “documents that contain information on the

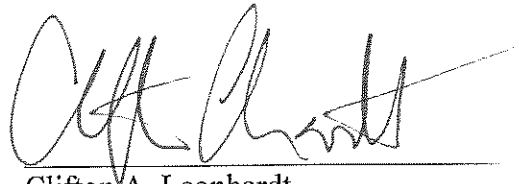
movement...of...staff” shall be included as records “the Commissioner of Correction...has reasonable grounds to believe may result in a safety risk...”

12. Based upon the evidence produced at the hearing, it is concluded that the Commissioner of Correction has reasonable grounds to believe that disclosure of the requested records may result in a safety risk, within the meaning of §1-210(b)(18), G.S.

13. It is therefore concluded that the respondents did not violate the FOIA when they withheld the requested records.

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.



Clifton A. Leonhardt
as Hearing Officer