

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

Kacey Lewis,

Complainant

against

Docket #FIC 2016-0594

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

Respondents

January 25, 2017

The above-captioned matter was heard as a contested case on November 14, 2016, at which time the complainant and the respondents appeared and presented testimony, exhibits and argument on the complaint. For purposes of hearing, the above captioned matter was consolidated with Docket # FIC 2016-0279; Kacey Lewis v. Commissioner, State of Connecticut, Department of Correction; and State of Connecticut, Department of Correction.

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 letter dated April 5, 2016, the complainant made a request to the respondents to review and inspect documents “identifiable as roster(s) which illustrate the names of all administrative staff including wardens, deputy wardens, counselor supervisors, counselors, correctional treatment officers employed by your agency in correctional facilities: Cheshire CI, Northern CI, Garner CI, Corrigan-Radgowski, MacDougall Walker, Enfield CI, MYI, Osborn CI, Brooklyn CI, Carl Robison, Willard-Cybulski, York CI, Bridgeport CC, Hartford CC and New Haven CC.”
3. It is found that, by letter dated April 15, 2016, the respondents denied the request, described in paragraph 2, above, on the ground that such records are exempt from disclosure pursuant to §1-210(b)(18)(G), G.S., of the Freedom of Information “(FOI)” Act.

4. By letter dated April 19, 2016, and filed with the Commission on April 25, 2016, the complainant appealed to this Commission, alleging that the respondents violated the 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 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

7. Section 1-212(a), G.S., provides in relevant part that “any person applying in writing shall receive, promptly upon request, a plain, facsimile, electronic or certified copy of any public record.”

8. It is found that the records requested by the complainant 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. Section 1-210(b)(18), G.S., provides, in relevant part, that disclosure is not required 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 or Whiting Forensic Division facilities. Such records shall include, but are not limited to... (G) Logs or other documents that contain information on the movement or assignment of inmates or staff at correctional institutions or facilities....

10. It is found that the “roster” is a record that is created on a daily basis at each correctional facility which identifies the name of each correctional officer and the location within each facility to which each such officer is assigned that day. It is found that such roster discloses not only the location of staff in the facility, but also the number of staff assigned to any one location, as well as the total number of staff on duty on a particular day at a particular facility.

11. It is found that rosters are “documents that contain information on the...assignment of ...staff at correctional institutions,” and that the respondent Commissioner has reasonable grounds to believe that disclosure of such records may result in a safety risk in a correctional facility. It is further found that such belief is not “frivolous or patently unfounded.” See People for the Ethical Treatment of Animals v. Freedom of Information Commission, 321 Conn. 805, 817 (2016).

12. Based upon the foregoing, it is concluded that the “roster,” described in paragraph 2, above, is exempt from disclosure pursuant to §1-210(b)(18)(G), G.S.

13. Accordingly, it is concluded that the respondents did not violate the FOI Act as alleged in the complaint.

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.

Approved by Order of the Freedom of Information Commission at its regular meeting of January 25, 2017.



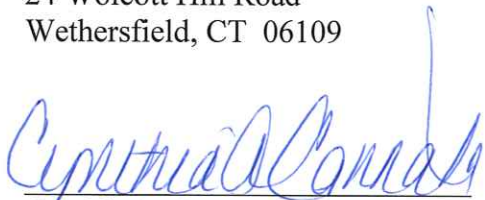
Cynthia A. Cannata
Acting Clerk of the Commission

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:

Kacey Lewis #165480
Corrigan-Radgowski Correctional Center
986 Norwich-New London Tpke.
Uncasville, CT 06382

Commissioner, State of Connecticut, Department of Correction;
and State of Connecticut, Department of Correction
c/o James Neil, Esq.
24 Wolcott Hill Road
Wethersfield, CT 06109



Cynthia A. Cannata
Acting Clerk of the Commission