

FREEDOM OF INFORMATION COMMISSION  
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

Jean Karlo Conquistador,

Complainant

against

Docket #FIC 2019-0479

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

Respondents

February 13, 2020

The above-captioned matter was heard as a contested case on November 4, 2019, at which time the respondents appeared, and presented testimony, exhibits and argument on the complaint. The complainant, who is incarcerated, was provided the opportunity to participate in the hearing 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 ad Hartford, Corrected Order dated January 27, 2004 (Sheldon, J.). However, upon contact with the correctional facility where the complainant was housed, the hearing officer was informed that the complainant was not available to participate as he was appearing in court. The complainant did not provide any notice to the Commission of the conflict or his inability to appear.

The respondents appeared and were prepared to present their case. Because of the nature of the complainant's request and the efforts made by the respondents to gather the requested records, the respondents requested the opportunity to proceed and were allowed to do so.

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. By letter of complaint filed August 6, 2019, the complainant appealed to the Commission, alleging that the respondents violated the Freedom of Information ("FOI") Act by denying his request for certain records.

3. It is found that the complainant made a July 21, 2019 request to the respondents for the following records:

- a) Produce records showing the number of CT inmates issued disciplinary reports the past 10 years.
- b) Produce records showing the numbers of black inmates issued disciplinary reports by white CT DOC employees the past 10 years.
- c) Produce records showing the numbers of Hispanic inmates issued disciplinary reports by white CT DOC employees the past 10 years.
- d) Produce records showing the numbers of white inmates issued disciplinary reports by white CT DOC employees the past 10 years.
- e) Produce records showing the numbers of black inmates that have been subjected to use of force by CT DOC employees the past 10 years.
- f) Produce records showing the numbers of Hispanic inmates that have been subjected to use of force by CT DOC employees the past 10 years.
- g) Produce records showing the numbers of white inmates that have been subjected to use of force by CT DOC employees the past 10 years.
- h) Produce records showing the numbers of inmate grievances upheld the past 10 years.
- i) Produce records showing the numbers of inmate grievances denied the past 10 years.
- j) Produce records showing the numbers of inmate grievances rejected the past 10 years.
- k) Produce records showing the numbers of inmate grievances returned without disposition the past 10 years.
- l) Produce records showing the numbers on inmate grievances compromised [sic] the past 10 years.
- m) Produce for inspection a photocopy of the contract between the CT DOC and Inmate's Legal Assistance Program.
- n) Produce for inspection a roster with the last name of any and all CT DOC employees currently employed by the State of CT, CT DOC.
- o) Produce records showing the numbers of CT CHRO discrimination complaints filed against the CT DOC and other correctional employees the past 5 years. In addition, produce case numbers.

- p) Produce records showing the numbers of lawsuits filed against the CT DOC, and other Correctional employees the past 5 years. In addition, produce docket numbers.
- q) Produce records showing the numbers of black correctional employees currently working at the CT DOC.
- r) Produce records showing the numbers of white correctional employees currently working at the CT DOC.
- s) Produce records showing the numbers of Hispanic correctional employees currently working at the CT DOC.
- t) Produce records showing the numbers of Asian correctional employees currently working at the CT DOC.
- u) Produce records showing the numbers of CT DOC employees that have been suspended the past 10 years.
- v) Produce records showing the numbers of CT DOC employees that have been issued written reprimand the past 10 years.
- w) Produce records showing the numbers of CT DOC employees that have been placed on administrative leave the past 10 years.
- x) Produce records showing the numbers of CT DO=L employees that have been terminated from employment the past 10 years.
- y) Produce records showing the number of years of experience CT DOC Commissioner Rollin Cook has working as a correctional employee in the United States and in the past(?) what correctional facilities Mr. Cook has worked in.

4. It is found that in the complainant's written request to the respondents, the complainant wrote, "Mrs. Hakins, since you want to play games with me and my FOI requests, here you go. Good luck at the FOI Commission and at the CT Superior Courts, if an appeal is filed."

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 section 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:

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, (2) copy such records in accordance with subsection (g) of section 1-212, or (3) receive a copy of such records in accordance with section 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, facsimile, electronic or certified copy of any public record.”

8. It is found that the records requested, to the extent they exist, are public records.

9. It is found that the respondents acknowledged the complainant’s request on July 30, 2019.

10. It is found that on August 29, 2019 the respondents informed the complainant that the respondents had no records responsive to items 3b., through 3f., nor did they have any records responsive to items 3t., through 3y. above. With respect to items 3q., 3r., and 3s., above, the respondents provided the complainant with responsive records. Further, the respondents’ contended that items 3m., and 3n., above, were requests to inspect certain records. The respondents contended that they are not required to produce records for inspection at the location of the requester in accordance with the Commission’s decision in Norman Gaines v. CMHC, FIC 2017-0369. (In Gaines, the Commission found that a public agency does not have a duty to bring records to an individual so that he can exercise his right to inspect them.)

11. It is found that on October 28, 2019 the respondents delivered another letter to the complainant. Such letter further detailed the respondents’ progress in obtaining the records requested by the complainant. With respect to items 3a. and 3h., through 3l., above, the respondents gathered 69 pages of records and informed the complainant such records would be delivered to him after payment of a \$17.00 copying fees. Further, the letter informed the complainant that there were no records responsive to items 3u., 3v., and 3w., above.

12. It is found that on October 30, 2019, the respondents delivered an additional letter to the complainant. Such letter informed the complainant that the previous letters failed to address the complainant’s request of items 3o., and 3p., above. With respect to both items, the respondents gathered a total of 462 pages of records. The respondents informed the complainant that such records would be delivered to him after payment of \$115.50.

13. It is found that the records referenced in paragraphs 11 and 12, above, have not yet been delivered to the complainant and remain available for the complainant upon payment of the required fees.

14. With respect to items 3m., and 3n., above, it is found that the respondents are not required to produce records for inspection at the location of the complainant and therefore, their decision to not produce the records did not violate the Act.

15. It is concluded, therefore, that the respondents complied with the complainant's request and made records responsive to the request available to the complainant and did not violate the Act as alleged by the complainant.

16. Further, it is found that the remarks by the complainant referenced in paragraph 4, above, the length and complexity of the complainant's request, as well as the complainant's failure to appear at the hearing, indicates that this request may have been frivolous and submitted to the respondents as a form of harassment.

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

1. The complaint is hereby dismissed.
2. The Commission takes note of the complainant's failure to appear in this matter, thus wasting valuable State resources. Further, the complainant is warned that failure to appear at Commission proceedings may be grounds for the Commission to not schedule hearings in future appeals.
3. The Commission further notes that frivolous or harassing requests to the respondents may be grounds for the Commission to not schedule hearings in future appeals.

Approved by Order of the Freedom of Information Commission at its regular meeting of February 13, 2020.



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:

**JEAN KARLO CONQUISTADOR, #341088**, Hartford Correctional Center, 177 Weston Street, Hartford, CT 06102

**COMMISSIONER, STATE OF CONNECTICUT, DEPARTMENT OF CORRECTION; AND STATE OF CONNECTICUT, DEPARTMENT OF CORRECTION**, c/o Attorney Tracie C. Brown, Department of Correction, 24 Wolcott Hill Road, Wethersfield, CT 06114



Cynthia A. Cannata  
Acting Clerk of the Commission