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# FREEDOM OF INFORMATION



Connecticut Freedom of Information Commission • 18-20 Trinity Street, Suite 100 • Hartford, CT 06106  
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Andres Sosa,  
Complainant(s)  
against

Notice of Meeting

Docket #FIC 2016-0556

Commissioner, State of Connecticut, Department of Correction;  
and State of Connecticut, Department of Correction,  
Respondent(s)

March 1, 2017

### 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, March 22, 2017**. 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 March 10, 2017**. 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 March 10, 2017**. **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 March 10, 2017**, 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: Andres Sosa  
Commissioner, State of Connecticut, Department of Correction; and  
State of Connecticut, Department of Corrections  
cc: Craig Washington

FIC# 2016-0556/Trans/wrbp/VRP//VDH/2017-03-01

FREEDOM OF INFORMATION COMMISSION  
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

Report of Hearing Officer

Andres Sosa,

Complainant

against

Docket #FIC 2016-0556

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

Respondents

February 28, 2017

The above-captioned matter was heard as a contested case on February 28, 2017, at which time the complainant and the respondents appeared, stipulated to certain facts, 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.).

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 May 18, 2016, the complainant appealed to the Commission, alleging that the respondents violated the Freedom of Information (“FOI”) Act by failing to comply with his July 20, 2016 request for records concerning the confiscation of his sneakers.
3. It is found that the complainant made a July 20, 2016 to the respondents’ Director of Security for:
  - a. The safety and security policy established prior to November 16, 2015 and after, that considers Jordan brand sneakers as a safety and security matter, to include the reasons why;

b. Copy(ies) of any policy authorizing correction officers to confiscate prisoners' sneakers of any type due to the fact that the sneakers have what could be considered a pocket inside;

c. Copy(ies) of any policy that authorizes a correction officer to confiscate any type of sneakers displaying a clear air see-through bubble in the sides and/or bottom; and

d. Copy(ies) of any incident reports, pictures, involving sneakers with the brand Jordan sneakers with any opening inside or pockets, sneakers with see-through air bubbles.

3. It is found that by letter dated September 12, 2016, the respondents replied that there were no documents responsive to the first paragraph of his request; that Administrative Directive 6.10 was responsive to the second and third paragraphs of his request, and offering a copy of that directive; and that the fourth paragraph of his request was very broad, and offering to provide a copy of any identified incident reports.

4. It is found, based upon the testimony provided by the complainant and the documentary evidence described in paragraph 3, above, that the respondents do not have any responsive records of policies concerning the confiscation of sneakers other than the administrative directive offered to the complainant.

5. At the hearing, the complainant accepted that the respondents had no policies responsive to his request, indicated that he believed his recourse was to the court system, and said that he would be satisfied with a CD copy of the audio recording of this hearing, which the hearing officer arranged to have provided to him.

6. It is concluded that the respondents 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.



Victor R. Perpetua  
As Hearing Officer