

STATE OF CONNECTICUT
FREEDOM OF INFORMATION COMMISSION

In the Matter of a Complaint by

FINAL DECISION

Jan Gawlik,

Complainant

against

Docket # FIC 2023-0410

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

Respondents

July 24, 2024

The above-captioned matter was heard as a contested case on April 18, 2024, 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 Anthony Sinchak v. Freedom of Information Commission, Docket No. CV 03-0826293, 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 for Freedom of Information Act Form dated July 31, 2023, mailed to the Administrator of the Victim Services Unit (“VSU”) of the Department of Correction (“DOC”), the complainant requested copies of the following: “All Documents, Emails, Decisions, Letters, Correspondence, ECT. [sic.], Made by Victim Services in Conjunction to (Ms. Anna Gawlik) Request for Contact Visits with Warden Reis Approval/Denial Input by Victim Service Unit. C.G.S. § 18-81gg. (Inmate Gawlik #138888).”
3. By letter of complaint, dated August 7, 2023 and filed August 14, 2023, the complainant appealed to the Commission, alleging that the respondents violated the Freedom of Information (“FOI”) Act by failing to provide him with access to the requested records, described in paragraph 2, above. The complainant also requested that this Commission impose civil penalties against the respondents.
4. Section 1-200(5), G.S., provides:

"[p]ublic 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, videotaped, printed, photostated, photographed or recorded by any other method.

5. Section 1-210(a), G.S., provides in relevant part that:

[e]xcept 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 ... (3) receive a copy of such records in accordance with the provisions of section 1-212.

6. 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."

7. It is concluded that the requested records, to the extent that they exist and are maintained by the respondents, are public records within the meaning of §§1-200(5) and 1-210(a), G.S.

8. It is found that, by letter dated August 14, 2023, DOC Counselor Supervisor ("CS") and FOI Administrator Stephanie Secore, on behalf of the respondents, acknowledged the complainant's request described in paragraph 2, above. It is found that, in her August 14, 2023 letter, CS Secore also stated that in order for email extractions to be completed, the DOC requested that the complainant provide the respondents with a timeframe for the requested records.¹ It is found that a DOC FOI Liaison delivered such August 14, 2023 letter to the complainant on August 14, 2023.

9. It is found that, by an Application for Freedom of Information Act Form dated August 14, 2023 and received by CS Secore on August 22, 2023, the complainant responded to CS Secore's August 14, 2023 letter described in paragraph 8, above, that he was seeking the following:

¹ In their August 14, 2023 letter, the respondents also stated the following: "Any records requested other than email extractions should be requested through [the VSU Administrator]. Your attached FOI Request has been forwarded to the FOI Liaisons at your facility to process. Please follow proper channels when making FOI requests in the future (sic.), by submitting FOI requests to your facility FOI liaisons." At the hearing on this matter, there was some discussion about whether the complainant followed the recommended procedures when he submitted his FOI request. However, such discussion is immaterial to the decision in this matter, particularly since the DOC did in fact process the complainant's request.

(all) emails pertinent to (Warden)(Letter) Date: 1/23/23, of correspondence between E. Suggs & J. Reis – Warden, from dates: **(1-16-23 (to) 1-30-23)**, which refer to the Visiting Application Contact Visits of (Ms. Anna Gawlik), Inmate Gawlik #138888/ Mother of. Denial of Contact Visits (Emails).

(Emphasis added.)

10. It is found that, in response to the respondents' August 14, 2023 letter described in paragraph 8, above, the complainant mailed a separate Application for Freedom of Information Act Form dated August 14, 2023 to the VSU Administrator, clarifying his July 31, 2023 request as follows:

(Copies) of (all) Documents, Decisions, Letters, Correspondence, ect. [sic.] Made/Initiated by Victim Services in Conjunction to (Ms. Anna Gawlik) Request for Contact Visits with Warden Reis Approval/ Denials, by V. Services Unit (C.G.S. 18-81gg) (correspondence between Reis/Suggs).

11. It is found that, on August 25, 2023, the VSU Administrator sent to the complainant a letter acknowledging receipt of the complainant's August 14, 2023 letter described in paragraph 10, above. It is found that the VSU Administrator also indicated in her August 25, 2023 letter that she sent the complainant's request to the FOI Administrator for review.

12. It is found that, by letter dated September 20, 2023, CS Secore responded to the complainant's August 14, 2023 letter described in paragraph 9, above, informing the complainant of the following:

My office received a request from you on August 22, 2023. Your request was for emails between [the VSU Administrator] and [the Cheshire Correctional Institution ("CCI") Warden] between the dates of 1/16/23-1/30/23 regarding visits of Ms. Anna Gawlik. The Department of Correction has reviewed its files and has determined there are no responsive documents to your request.

13. At the hearing on this matter, the complainant testified, and it is found, that he is incarcerated at CCI and that his mother, Anna Gawlik, had previously submitted a request to be placed on the complainant's visiting list and for contact visits with the complainant. It is found that, because the complainant's mother had been listed as a victim to the crime for which the complainant is incarcerated, pursuant to DOC Administrative Directive 10.6, she is not permitted to visit him, unless the CCI Warden, in conjunction with the VSU, approved her request to visit the complainant.² It is found that, by letter dated January 23, 2023, Ms. Gawlik was notified that

² The Commission takes administrative notice of subsection 5.e.iii. of DOC Administrative Directive 10.6, which provides, in relevant part, that "[a] visit between an inmate and the inmate's victim shall not be permitted unless approved in writing by the Unit Administrator or Director of Parole and Community Services or designee. ... 2. An individual identified as a victim in a police report, and that person is requesting to be placed on an inmate's visiting list, they shall be reviewed for approval or denial by the Unit Administrator or designee, in conjunction with the Victim Services Unit." It is found that the Unit Administrator for CCI is Warden Jennifer Reis.

the CCI Warden denied Ms. Gawlik's request for a contact visit with the complainant. It is further found that the complainant received a letter from a DOC Staff Attorney dated July 19, 2023, which indicated, in relevant part, that the CCI Warden made the decision to deny Ms. Gawlik's request for a contact visit with the complainant in conjunction with the VSU, as required by DOC Administrative Directive 10.6. The complainant testified, and it is found, that he was seeking VSU's records related to the communications between the CCI Warden and VSU related to the decision to deny Ms. Gawlik's request to visit the complainant, but that he has received no responsive records.³

14. The respondents' witness, CS Secore, testified, and it is found, that she received the complainant's July 31, 2023 request on or about August 14, 2023 from the VSU Administrator. CS Secore further testified, and it is found, that in order to conduct an electronic search for emails, the DOC Information Technology Department ("IT") requires a timeframe for the records to be searched and, therefore, she sent the letter described in paragraph 8, above, requesting such a timeframe for the requested records. It is found that, after CS Secore received the complainant's letter with the requested timeframes as described in paragraph 9, above, she requested that IT conduct such a search of the VSU Administrator's email account⁴ with the keyword Gawlik, which she determined would be a sufficiently broad search. CS Secore testified, and it is found, that IT conducted such a search and informed her that no responsive records were located.

15. CS Secore further testified, and it is found, that she spoke with the VSU Administrator who confirmed that she conducted a search of her own records and emails in conjunction with the request described in paragraph 2, above,⁵ and that she did not locate any responsive records.

16. CS Secore also testified, and it is found, that the VSU Administrator informed CS Secore that, with respect to Ms. Gawlik's visitation request, she spoke with the CCI Warden over the telephone and that she did not draft any notes regarding such telephone conversation, that the VSU Administrator and the CCI Warden did not engage in any written communications regarding Ms. Gawlik's visitation request, and that no responsive records exist.

17. It is found that the respondents conducted a reasonable and diligent search for records responsive to the requests described in paragraphs 2, 9 and 10, above, and that no such responsive records exist.

18. Based on the foregoing, it is concluded that the respondents did not violate §§ 1-210(a) and 1-212(a), G.S.

³ At the hearing in this matter, the complainant also voiced his disagreement with the DOC's decision denying his mother's request for visitation and argued that he had the legal authority to assert his mother's rights in this regard. However, those issues are entirely unrelated to the Commission's decision in this matter and are outside the scope of this Commission's jurisdiction. Therefore, they will not be discussed further herein.

⁴ Based upon the credible testimony of the respondents' witness, it is found that the Victim Services Unit Administrator is the only individual employed within the Victim Services Unit, so that no other email addresses needed to be search other than hers.

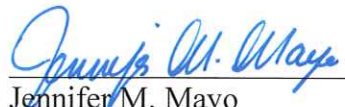
⁵ It is found that there is no discernible substantive difference between the request set forth in paragraph 2, above, and the complainant's August 14, 2023 letter described in paragraph 10, above.

19. Because there is no violation in this matter, consideration of a civil penalty is not warranted.

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 July 24, 2024.




Jennifer M. Mayo
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:

JAN GAWLIK, #138888, Cheshire Correctional Institution, 900 Highland Avenue, Cheshire, CT 06410

ANGEL QUIROS, COMMISSIONER, STATE OF CONNECTICUT, DEPARTMENT OF CORRECTION; AND STATE OF CONNECTICUT, DEPARTMENT OF CORRECTION, c/o Attorney Jennifer Lepore, Department of Correction, 24 Wolcott Hill Road, Wethersfield, CT 06109


Jennifer M. Mayo
Acting Clerk of the Commission