

FREEDOM OF INFORMATION COMMISSION  
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

Andres Sosa,

Complainant

against

Docket #FIC 2024-0279

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

Respondents

May 14, 2025

The above-captioned matter was heard as a contested case on October 1, 2024, at which time the complainant and 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.).

Pursuant to a March 18, 2025 order of the Hearing Officer, the respondents submitted an Affidavit of Counselor Supervisor A. Kerwin dated March 27, 2025. Such affidavit is marked as Respondents' Exhibit 5 (after-filed).

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 17, 2024, the complainant made a request to the respondents for various policies signed by the Commissioner of the Department of Correction ("DOC") and/or the Office of Policy and Management<sup>1</sup> regarding the impact of disciplinary reports on an inmate's participation in and removal from rehabilitation programs.

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<sup>1</sup>At the October 1, 2024, hearing on this matter, the complainant testified that he was specifically seeking those policies signed by the DOC Commissioner. Moreover, to the extent the complainant seeks policies issued by the Office of Policy and Management concerning an inmate's participation in, and removal from, rehabilitation programs, it is found that if any such records exist, they are not maintained by the respondents.

3. It is found that the respondents received the complainant's request on April 23, 2024, and acknowledged the request on April 24, 2024.

4. By letter of complaint dated May 16, 2024, the complainant appealed to this Commission alleging that the respondents violated the Freedom of Information ("FOI") Act, by failing to provide the records he sought in his April 17 request. The complainant also requested that the Commission impose a civil penalty on the respondents.

5. 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.

6. 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 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 concluded that the records described in paragraph 2, above, to the extent they exist and are maintained by the respondents, are public records within the meaning of §§1-200(5) and 1-210(a), G.S.

9. During the October 1, 2024 hearing on this matter, the complainant clarified that he was specifically seeking only those policies that were signed by the DOC Commissioner.

10. It is found that the only policies maintained by the respondents that are signed by the DOC Commissioner are Administrative Directives.

11. It is found that shortly after receiving the complainant's April 17 request, a corrections officer for the respondents reviewed the DOC's Administrative Directives and handbook for policies responsive to the complainant's request.

12. It is found that by mid-June 2024, the corrections officer identified Administrative Directive 9.5 ("AD 9.5") as responsive to the complainant's April 17 request.

13. It is found that AD 9.5 is the DOC's Code of Penal Discipline. It is found that the respondents identified AD 9.5 as at least partially responsive to the complainant's April 17 request because it pertained to the respondent DOC's disciplinary procedure which could impact whether an inmate would be able to participate in certain rehabilitation programs.

14. It is found that shortly after identifying AD 9.5, the corrections officer contacted Counselor Supervisor Secore ("CS Secore") to assist in locating other policies that may be responsive to the complainant's April 17 request.

15. It is found that thereafter CS Secore worked with the respondent DOC's Office of Offender Programming and Office of Standards and Policy, to identify other policies that may be responsive to the complainant's April 17 request.

16. It is found that the respondent DOC's Office of Offender Programming informed CS Secore that there were no Administrative Directives that covered the impact of disciplinary actions on an inmate's participation in, or removal from, a rehabilitation program. Additionally, it is found that the Office of Offender Programming informed CS Secore that there may be additional policies for facility-based programming<sup>2</sup>; however, such policies are not signed by the Commissioner.

17. It is found that thereafter CS Secore conducted a search of facility-based programming policies and did not find any policies addressing the impact of disciplinary actions on an inmate's participation in, or removal from, such programs.

18. It is found that CS Secore also worked with the respondent DOC's Director of Addiction Services to locate any responsive policies.

19. It is found that in working with the respondent DOC's Addiction Services, CS Secore identified several policies relating to various programs managed by Addiction Services addressing the impact of discipline on an inmate's participation in, and removal from, rehabilitation programs (hereinafter, the "Addiction Services policies"). It is found that such policies are only applicable to the programs offered by Addiction Services and are not signed by the respondent DOC Commissioner.

20. It is found that CS Secore conducted an additional search of the Administrative Directives and identified Administrative Directive 9.7 ("AD 9.7") as potentially responsive to the complainant's April 17 request.

21. It is found that AD 9.7 addresses Offender Management and that the respondents identified AD 9.7 as at least partially responsive to the complainant's April 17 request, because it provides a brief overview of offender accountability plans, treatment programs, and inmate behavioral expectations.

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<sup>2</sup> The respondents testified, and it is found, that facility-based programming refers to programs offered at the specific correctional facilities and there are no department wide policies for such programs.

22. It is found that on July 29, 2024, the respondents provided the complainant with 59 pages of records consisting of AD 9.5, AD 9.7, and the Addiction Services policies.

23. It is found that after being afforded an opportunity to review the records described in paragraph 22, above, the complainant refused to accept such records as he felt they were not responsive to his April 17 request.

24. It is found that after the complainant refused to accept the records described in paragraph 22, above, the respondents asked the complainant if he could provide clarification that might help them identify the specific policies he was seeking. It is found that the complainant did not provide any such additional clarification.

25. It is found that the respondents conducted a thorough and diligent search of their records to identify all policies that could be responsive to the complainant's April 17 request.

26. It is further found that although the complainant specifically sought only those policies signed by the DOC Commissioner, the respondents provided all policies they could locate that contained at least some information relevant to discipline and rehabilitation programs.

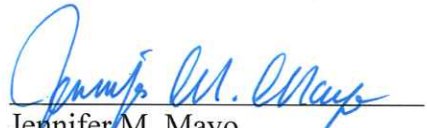
27. Accordingly, it is concluded that the respondents provided all records reasonably responsive to the complainant's request and did not violate §§1-210(a) or 1-212(a), G.S.

28. Because there is no violation in this matter, 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 matter:

1. The complaint is dismissed.

Approved by Order of the Freedom of Information Commission at its regular meeting of May 14, 2025.

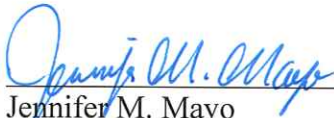
  
Jennifer M. Mayo  
Acting Clerk of the Commission

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:

**ANDRES SOSA, #260589**, Cheshire Correctional Institution, 900 Highland Avenue, Cheshire, CT 06410-1668

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



Jennifer M. Mayo  
Acting Clerk of the Commission