

STATE OF CONNECTICUT
FREEDOM OF INFORMATION COMMISSION

In the Matter of a Complaint by

FINAL DECISION

Andres Sosa,

Complainant

against

Docket # FIC 2024-0347

Secretary, State of Connecticut, Office of
Policy and Management; and State of
Connecticut, Office of Policy and
Management,

Respondents

May 14, 2025

The above-captioned matter was heard as a contested case on December 16, 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 letter dated May 20, 2024 ("May 20, 2024 Request"), the complainant requested that the respondents provide him with copies of the following records:

[A.] ... the conn Dep' of Corr policy(ies) Signed by the Conn Dep't of Corr Commissioner and/or The Office of Policy and Management from the beginning of this world and the Birth of Conn Dep't of Correction's until the present time stating:

[i.] If you're in a rehabilitation program'(s) and or Program and receive any Disciplinary Report the inmate'(s) will be remove from the program and or [program]'(s).

[ii.] If an inmate'(s) received any Disciplinary Report'(s) he/she will be prohibited from participating in any Rehabilitation Program'(s) and or Program'(s).

[iii.] How long an inmate'(s) who received any Disciplinary Report'(s) will have to wait prior to being able to participate in any Rehabilitation Programs and or Program'(s) within these Prison's Walls.

[B.] ... the Conn Dep't of Corrections Policy(ies) Signed by the Conn Dep't of Corr Commissioner and/or The Office of Policy and Management from the beginning of this world and the Birth of Conn Dep't of Correction's until January 5th, 2024 stating:

[i.] An inmate'(s) will be preclude from participation in any Rehabilitation program'(s) and or Program'(s) offer to the same inmate general population having to wait seven-(7) years or more from the time the inmate'(s) whether a male, female, or others received any Disciplinary Report'(s).

[C.] ... the Conn Dep't of Corrections Policy(ies) Signed by the Conn Dep't of Corr Commissioner and/or The Office of Policy and Management from the beginning of this world and the Birth of Conn Dep't of Correction until the present time stating:

[i.] Rehabilitation Program'(s) and or Program'(s) restrictions to participate is permit to be used as punishment once an inmate'(s) received any disciplinary report'(s) and or in any form of retaliation for the [inmate]'(s) participating in activities that are protected by law or administrative directives.

3. It is found that, by letter dated May 23, 2024, the respondents acknowledged the complainant's May 20, 2024 Request.

4. It is found that, by letter dated June 5, 2024, the respondents informed the complainant that they do not maintain any records responsive to the May 20, 2024 Request, "as all of the policies and directives are in the possession and control of the Department of Correction [("DOC")]" The respondents also noted in such June 5, 2024 letter that all policies and directives are publicly available on the DOC website.

5. By letter of complaint, dated June 10, 2024 and filed June 14, 2024, 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 records requested in the May 20, 2024 Request.

6. 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, videotaped, printed, photostated, photographed or recorded by any other method.

7. 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 ... (3) receive a copy of such records in accordance with the provisions of section 1-212.

8. 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."

9. 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.

10. At the hearing on this matter, the Assistant Division Director of the Criminal Justice Policy and Planning Division ("Assistant Division Director") for the respondent Office of Policy and Management ("OPM") testified on behalf of the respondents. He testified, and it is found, that he and other OPM staff members searched for responsive records and that OPM does not maintain any of the records requested by the complainant. The Assistant Division Director further testified, and it is found, that the requested records generally are not of the type that would be maintained by OPM.

11. It is found that the Assistant Division Director's testimony that OPM does not maintain the requested records is credible.

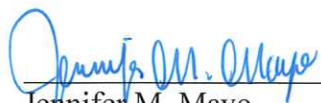
12. It is found that the respondents do not maintain records responsive to the May 20, 2024 Request.

13. It is therefore concluded that the respondents did not violate the FOI Act, as alleged by the complainant.

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 May 14, 2025.



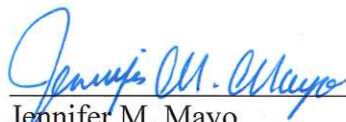
Jennifer M. Mayo
Acting Clerk of the Commission

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

SECRETARY, STATE OF CONNECTICUT, OFFICE OF POLICY AND MANAGEMENT; AND STATE OF CONNECTICUT, OFFICE OF POLICY AND MANAGEMENT, c/o Attorney Gareth D. Bye and Attorney Kara A.T. Murphy, General Counsel, Office of Policy and Management, 450 Capitol Avenue, Hartford, CT 06106



Jennifer M. Mayo
Acting Clerk of the Commission