

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

Andres Sosa,

Complainant

against

Docket #FIC 2016-0556

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

Respondents

March 22, 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.

4. 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.

5. 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.

6. 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.

7. 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.

Approved by Order of the Freedom of Information Commission at its regular meeting of March 22, 2017.



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:

Andres Sosa #260589
Corrigan Radgowski Correctional Institution
986 Norwich New London Turnpike
Uncasville, CT 06382

Commissioner, State of Connecticut, Department of Correction;
and State of Connecticut, Department of Correction
24 Wolcott Hill Road
Wethersfield, CT 06109



Cynthia A. Cannata
Acting Clerk of the Commission