

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

Anthony Saia,

Complainant

Docket # FIC 2016-0147

against

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

Respondents

November 16, 2016

The above-captioned matter was heard as a contested case on July 6, 2016, at which time the complainant and 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. It is found that by a form dated February 8, 2016, the complainant made a five-part written request to the respondents. At the hearing, the complainant testified that the only item remaining at issue was his request for a copy of a “memo” (or other written document) issued by Warden S. Efre making changes to certain provisions of the Department of Correction’s Administrative Directive 6.7 governing searches conducted in correctional facilities.¹ Accordingly, such document is the only record addressed herein.
3. By letter of complaint, dated February 17, 2016, and received on February 22, 2016, the complainant appealed to this Commission, alleging that the respondents violated the Freedom

¹ The Commission takes administrative notice of Administrative Directive 6.7 found on the Department of Correction’s website at <http://www.ct.gov/doc/LIB/doc/PDF/AD/ad0607.pdf>.

of Information (“FOI”) Act by failing to provide him with a copy of the record, described in paragraph 2, above.

4. Section 1-200(5), G.S., defines “public records or files” as:

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

5. 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 (1) inspect such records promptly during regular office or business hours . . . (3) receive a copy of such records in accordance with 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 found that the record requested by the complainant, to the extent that it exists, is a public record within the meaning of §§1-200(5), 1-210(a) and 1-212(a), G.S.

8. At the hearing, Counselor McMahon, FOI Liaison for Cheshire Correctional Institution, testified that she searched for the document requested by the complainant, but was unable to locate such document. Her search consisted of discussions with the administrative captain and administrative lieutenant as well as searching the warden’s office and the postings in the restrictive housing unit. Counselor Supervisor Washington also testified that Administrative Directive 6.7 is the only directive that the respondents have that governs searches in the correctional facilities, and that they do not have a separate document that changes the terms of such directive.

9. It is found that the requested document does not exist.

10. It is concluded, therefore, that the respondents did not violate the disclosure provisions of §§1-210(a) and 1-212(a), G.S., 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 hereby dismissed.

Approved by Order of the Freedom of Information Commission at its regular meeting of November 16, 2016.



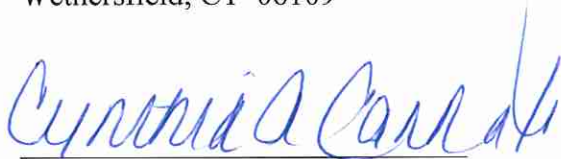
Cynthia A. Cannata
Acting Clerk of the Commission

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:

Anthony Saia #25547
Cheshire Correctional Institution
900 Highland Avenue
Cheshire, CT 06410

Scott Semple, Commissioner, State of
Connecticut, Department of Correction;
and State of Connecticut, Department of Correction
c/o James Neil, Esq.
24 Wolcott Hill Road
Wethersfield, CT 06109



Cynthia A. Cannata
Acting Clerk of the Commission