

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by
Paul Quoka,

FINAL DECISION

Complainant

Docket #FIC84-217

against

May 22, 1985

Office of Adult Probation,

Respondent

The above captioned matter was heard as a contested case on January 31, 1985 at which time the complainant and the respondent appeared and presented testimony, exhibits and argument on the complaint.

After consideration of the entire record the following facts are found:

1. By letter of complaint filed with the Commission on October 22, 1984 the complainant alleged that his September 25, 1984 request for records had been denied.
2. A request for pre-sentence investigation reports in case numbers CR5-51449 and CR5-51188 was withdrawn at hearing.
3. The respondent claims that pre-sentence investigation reports are exempted from disclosure by Conn. Prac. Book §917. The respondent also claims that the records do not relate to its administrative function as a judicial office of the state and therefore are outside the scope of the Commission's jurisdiction under §1-18a(a), G.S.
4. The respondent is an office within the judicial department pursuant to §54-103a, G.S.
5. Presentence investigation reports are created pursuant to §54-91a, G.S. for use by the judiciary in connection with sentencing determinations. Such records relate, therefore, to a judicial, and not an administrative, function of the respondent.

6. The respondent is therefore found not to constitute a public agency as defined by §1-18a(a), G.S. with respect to presentence investigation reports.

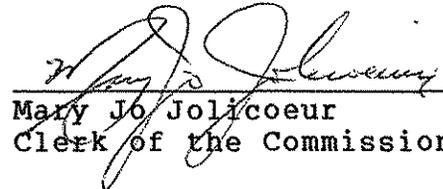
7. It is concluded that this Commission is without jurisdiction over the respondent with respect to the records requested.

8. Under the circumstances, the Commission does not need to address the alternate claims of exemption raised by the respondent.

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 May 22, 1985.



Mary Jo Jolicoeur
Clerk of the Commission