

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by
Ian Cooke,

FINAL DECISION

Complainant

against

Docket # FIC 2022-0483

Commissioner, State of Connecticut,
Department of Emergency Services and
Public Protection; and State of Connecticut,
Department of Emergency Services and
Public Protection,

Respondents

September 27, 2023

The above-captioned matter was heard as a contested case on July 3, 2023 and August 7, 2023, at which times the complainant and the 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 Anthony Sinchak v. FOIC, 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 September 23, 2022, the complainant requested that the respondents provide him with a copy of the following records pertaining to his criminal case in State of Connecticut v. Ian T. Cooke:

- (a) The actual testing/comparison request to the CODIS¹ admin/lab,
- (b) The actual results from the CODIS admin/lab,
- (c) The name of the lab employee that matched item SP#3-2s1[.]
** Due to confidentiality concerns[,] the employee's DNA profile may be excluded or redacted,
- (d) All emails to/from S[upervisory] A[ssistant] S[tate's] A[ttorney] Jo Anne Sulik to the lab during this time period (regarding this CODIS search),

¹CODIS, which stands for "Combined DNA Index System," is a national database of DNA samples.

(e) All emails generated by [the Department of Emergency Services and Public Protection “[DESPP]”] (lab) employees (regarding this CODIS search) between January 1, 2022 and the present, to include but not limited to all emails to/from [the state CODIS administrator] regarding this CODIS search.

3. By letter of complaint filed October 14, 2022, the complainant appealed to the Commission, alleging that the respondents violated the Freedom of Information (“FOI”) Act by failing to respond to his request for records.

4. Section 1-200(5), G.S., provides that:

“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.

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

6. Section 1-212(a), G.S., provides, in relevant part, that: “Any person applying in writing shall receive, promptly upon request, a plain, facsimile, electronic or certified copy of any public record.”

7. 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.

8. At the July 3rd hearing, the complainant acknowledged that he received records responsive to his requests, described in paragraphs 2(a) and 2(c), above. Accordingly, those requests will not be discussed further herein.

9. At the July 3rd hearing, the complainant also acknowledged that he received records responsive to his request, described in paragraph 2(b), above, but argued that the respondents failed to disclose one record, a State Match Details Report. At the August 7th hearing, the complainant withdrew his claim that such record was improperly withheld. Accordingly, that request will not be discussed further herein.

10. As to the requests, described in paragraphs 2(d) and 2(e), above, the complainant acknowledged that he received responsive records, but contended that the respondents' search was not thorough and that there could be additional responsive records.²

11. It is found, based upon the testimony of the supervisor of the case management unit at the respondents' Department of Scientific Services ("supervisor"), that the forensic laboratory consists of several different units, including the CODIS unit. It is further found that, after the supervisor received the complainant's records request, she forwarded it to the state CODIS administrator.

12. It is found that the state CODIS administrator and another employee of the CODIS unit were involved in the CODIS search at issue. It is further found that the state CODIS administrator and the other employee conducted a search of their emails using three different search terms: the full case number at issue, the last four digits of the case number, and the complainant's last name.

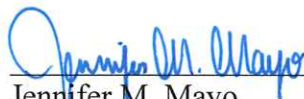
13. It is found that the respondents conducted a thorough and diligent search for the requested records and that they provided the complainant with all responsive records that they maintain.

14. Based on the foregoing, it is concluded that the respondents did not violate §§1-210(a) and 1-212(a), G.S., with respect to the complainant's request, described in paragraph 2, above.

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 September 27, 2023.



Jennifer M. Mayo
Acting Clerk of the Commission

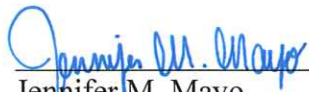
²The complainant further testified, and it is found, that although the respondents initially redacted some of the responsive records, he ultimately received unredacted copies.

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:

IAN COOKE, #340812, Cheshire Correctional Institution, 900 Highland Avenue, Cheshire, CT 06410

COMMISSIONER, STATE OF CONNECTICUT, DEPARTMENT OF EMERGENCY SERVICES AND PUBLIC PROTECTION; AND STATE OF CONNECTICUT, DEPARTMENT OF EMERGENCY SERVICES AND PUBLIC PROTECTION, c/o Attorney Colin Milne, Department of Emergency Services and Public Protection, 1111 Country Club Road, Middletown, CT 06457



Jennifer M. Mayo
Acting Clerk of the Commission