

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by)	
Thomas P. Lally,)	Report of Hearing Officer
Complainant)	
)	Docket #FIC78-19
against)	
)	May 24, 1978
State of Connecticut; and the)	
Chief State's Attorney of the)	
State of Connecticut,)	
Respondents)	

The above captioned matter was heard as a contested case on March 14, 1978, at which time the complainant and the respondent appeared and presented evidence and arguments on the complaint.

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

1. The respondents are public agencies within the meaning of §1-18a(a), G.S.

2. By letter dated October 11, 1977 the complainant requested copies of the records of an investigation made by the respondent chief state's attorney into the complainant's allegation that a certain prison official had stolen some of the complainant's belongings.

3. By letter filed with this commission October 19, 1977, the complainant appealed the respondents' failure to provide the requested records.

4. The respondent chief state's attorney contended that as a judicial office, official or body he was not a public agency within the meaning of §1-18a(a), G.S. which limits the jurisdiction of this Commission to the administrative functions of any judicial office, official, or body.

5. The respondent admitted, however, that the requested records exist.

6. The question of jurisdiction turns on a determination of the function of the respondent chief state's attorney's office with respect to the requested records.

7. The records in question concern a matter which might have been criminally prosecuted by the state's attorney.

8. The contents of the requested records were relevant to the respondent chief state's attorney's decision not to prosecute.

9. The respondent chief state's attorney did determine not to prosecute the aforesaid prison official in regard to these matters.

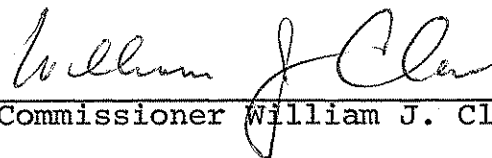
10. It is found that the records in question do not relate to the administrative function of the office of the chief state's attorney.

11. It is further found that the respondent chief state's attorney is not a public agency for purposes of this appeal within the meaning of §1-18a(a), G.S.

12. It is therefore concluded that this Commission is without jurisdiction over the denial of access to such records under §1-19, G.S.

The following order by the Commission is hereby recommended on the basis of the record concerning the above captioned complaint:

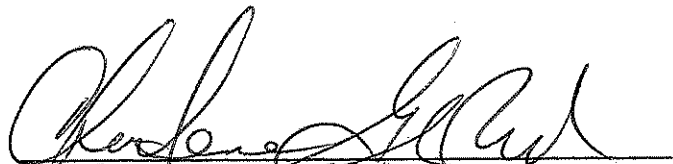
1. The complaint is hereby dismissed.



Commissioner William J. Clew

as Hearing Officer

Approved by order of the Freedom of Information Commission on
June 14, 1978.



Charlene G. Arnold
Clerk of the Commission