

FREEDOM OF INFORMATION COMMISSION  
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by  
Anthony Albuquerque,

Report of Hearing Officer

Complainant

DOCKET #FIC81-57

against

August 26, 1981

State's Attorney of Connecticut;  
Office of the State's Attorney,

Respondents

The above captioned matter was heard as a contested case on August 19, 1981, at which time the complainant and the respondents appeared, stipulated to certain facts and presented argument on the complaint.

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

1. By letter dated February 25, 1981, the complainant requested of the respondent state's attorney a copy of the investigative report prepared by the respondent state's attorney's office concerning the complainant's allegations against Police Chief Max Patterson.
2. By letter dated March 2, 1981, the respondent state's attorney denied the complainant's request.
3. By letter of complaint dated March 26, 1981 and filed with the Commission on March 31, 1981, the complainant alleged that this denial violated the Freedom of Information Act.
4. At the hearing on this complaint, the respondents moved to dismiss the complaint on the ground that they are not public agencies within the meaning of § 1-18a(a), G.S., with respect to the maintenance of the requested record.
5. It is found that the complainant filed a complaint with the respondent state's attorney alleging criminal misconduct by, and seeking prosecution of, Police Chief Max Patterson.
6. It is also found that the requested record concerns the respondents' investigation leading to the respondent state's attorney's decision as to whether to prosecute or not.
7. It is concluded that the respondents are judicial offices and bodies.

8. It is further concluded that the requested record does not relate to the respondents' administrative functions, but rather to their judicial functions.

9. It is therefore concluded that the respondents are not public agencies within the meaning of § 1-18a(a), G.S., with respect to the maintenance of the requested record.

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.
2. Nothing herein shall be construed to adversely comment on the merits of the complainant's request for a record prepared and maintained by the respondents.



Commissioner Curtis M. Cofield  
as Hearing Officer

Approved by order of the Freedom of Information Commission  
at its regular meeting of September 23, 1981.



Mary Jo Jovicoeur  
Clerk of the Commission