

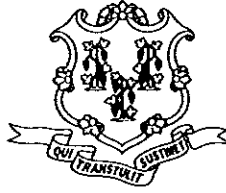
The Connecticut General Assembly

Task Force on Victim Privacy and the Public's Right to Know

Co-Chairs:

Rep. Angel Arce, State Representative, Hartford

Don DeCesare, President and General Manager of
WLIS-AM in Old Saybrook
and WMRD-AM in Middletown



Legislative Office Building, Room 2200
Hartford, CT 06106

Phone: (860) 240-8517

Fax: (860) 240-8429

Email: VPPR@cga.ct.gov

Minutes – Wednesday, September 4, 2013 at 11:00 am, Legislative Office Building, Room 1E

Members Present: Representative Angel Arce, Co-Chair, Don DeCesare, Co-Chair, Reuben F. Bradford, Hakima Bey-Coon (*substitute for Garvin G. Ambrose*), Kevin T. Kane, Senator Eric D. Coleman, Klarm DePalma, William V. Dunlap, Senator Leonard A. Fasano, Brian Koonz, Jodie Mozdzer-Gil, Colleen Murphy, James H. Smith, Susan O. Storey, Antoinette Webster (*substitute for Reuben F. Bradford*), Andrew Woods

Members Absent: Garvin G. Ambrose, Jillian Knox

- I. The meeting was called to order at 11:12 AM by Co-Chair Arce.
- II. A motion to approve the minutes from the Aug. 21 meeting was made by Sen. Fasano and seconded by Klarm DePalma. On a voice vote the motion was approved.
- III. Co-Chair DeCesare stated that in an attempt to get a background of the issues surrounding the balance of freedom of information and the public's right to know, four task force members were asked to make presentations on four basic issues.
- IV. The first presenter was Mary Schwind, Managing Director and Associate General Counsel for the Freedom of Information Coalition. Ms. Schwind presented that freedom of information laws extend to all public agencies, sub-divisions, and administrative functions, including those of the judicial branch. She explained that "public record" includes any recorded data related to the conduct of public business, an example being all records of a public agency. She said that as a general rule, the public has the right to inspect and to receive copies of information and that the FOI Commission has the duty to answer questions and/or perform research.

She stated that the law requires information to be made available without delay within four business days. The charge for copies, stated by Ms. Schwind is \$0.25/page for state agencies and \$0.50/page for municipal agencies.

She went on to explain that many exemptions are provided in Section 1-210(b) of the Freedom of Information Act for personal privacy. An example of an invasion of privacy would include the disclosure of a family or medical issue. She also explained that most personnel files are not exempt but that decisions are made on a case-by-case basis and that there are large numbers of exemptions for law enforcement filed if certain criteria are met.

She presented that hearings and meetings of a public agency are public. Exemptions include: chance meetings, social gatherings, meetings to discuss collective bargaining strategy, and caucuses. She stated that notices of public meetings must be filed at least 24 hours prior to the meeting and that the public has the right to attend at all times except when an executive session is called for a clearly defined purpose.

Discussion followed. Kevin Kane asked and discussed what the act says about information in the hands of law enforcement and was joined by Brian Koonz, Jim Smith, and Colleen Murphy.

The next presenter was Professor William Dunlap of Quinnipiac University who spoke on the history of the concept of privacy. Prof. Dunlap cited various cases in history and stated that Connecticut's laws of privacy are enacted by the legislature and not bound by any precedent.

Discussion followed. Brian Koonz, Antoinette Webster, Jodie Mozdzen-Gil, and Jim Smith all spoke. Atty. Webster stated that she wanted for it to be clear that the issue is about victim's rights, not those of the perpetrators.

Mr. Smith commented that FOI requests have been sought when cases are pending and not complete. A discussion of requests during police investigations followed.

Next to present was Attorney Antoinette Webster of the Department of Emergency Services and Public Protection. She explained that DESPP receives over 1100 FOI requests annually and that the department charges a \$16.00 fee for information. She stated that if the case is active, information surrounding that case would not be made available. She also stated that the status of the individual is checked and that inmates usually have many questions.

Discussion by Sen. Fasano and Colleen Murphy followed.

Commissioner Bradford expressed appreciation to his staff and explained that in 2011, the Department of Public Safety was renamed and divided into six sections. He later stated that the Sandy Hook/Newtown case is now being formalized.

The fourth and last presenter was Hakima Bey-Coon, Staff Attorney in the Office of Victim Advocacy. Atty. Bey-Coon spoke specifically of Sandy Hook and shared that victim's parents have called into question the purpose of sharing graphic photos of their children.

Co-Chair DeCesare expressed appreciation to all of the presenters and returned to the agenda.

- V. Co-Chair DeCesare explained that the task force will hold two public hearings outside of the Legislative Office Building and that one will be in Hartford and one will be in Bridgeport. Exact dates, times, and locations will be announced at a later time. He explained that the public will be invited and that there is no specific quorum required. There will be simple rules regarding the time allotted to each speaker and that CT-N will be present to broadcast the meetings. He later stated that the hearings will be held in the late afternoon or early evenings.
- VI. Sen. Fasano suggested that the Office of Legislative Research do a report on Freedom of Information Act exemptions and what other states, such as Colorado, have done. Co-Chair DeCesare agreed. Jim Smith asked which public officials would be invited and the Chair responded that among others the Governor, Attorney General, Speaker of the House, President Pro Tempore of the Senate, Chiefs of Police, and Supreme Court Justices may or may not accept invitations to attend. Jim Smith requested that the Freedom of Information Commission provide more information as well. He also suggested that the Connecticut Foundation for Open Government be invited.
- VII. It was announced that the next meeting would take place in Room 1C of the Legislative Office Building on September 18, 2013 at 11:00 AM. There being no further business on the agenda, a motion to adjourn was made by Jim Smith and seconded by Klarm DePalma.

Barbara Gordon
Assistant Clerk