



State of Connecticut
DIVISION OF CRIMINAL JUSTICE

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Testimony of the Division of Criminal Justice

In Support of:

**H.B. No. 7393 (RAISED) AN ACT CONCERNING DISCLOSURE OF ERASED
CRIMINAL RECORDS BY APPLICANTS FOR CERTAIN POLICE OFFICER
POSITIONS**

In Opposition to:

**S.B. No. 947 (COMM) AN ACT LIMITING LAW ENFORCEMENT ACCESS TO
RECORDED INFORMATION IN "BLACK BOX" EVENT DATA RECORDERS
IN MOTOR VEHICLES**

Joint Committee on Judiciary – March 23, 2007

The Division of Criminal Justice supports H.B. No. 7393, An Act Concerning Disclosure of Erased Criminal Records by Applicants for Certain Police Officer Positions. We would respectfully recommend that the Committee at the least amend the bill to extend its provisions to Inspectors in the Division of Criminal Justice. An even better approach would be to simply change the language to apply the bill to a "Peace Officer" as defined in section 53a-3(9) of the general statutes. This section includes the most appropriate range of law enforcement officers. In light of the trust and authority we place in the hands of individuals in these job categories it is reasonable to require these disclosures.

The Division opposes S.B. No. 974, An Act Limiting Law Enforcement Access to Recorded Information in "Black Box" Event Data Recorders in Motor Vehicles. Evidence in criminal cases is already protected by a well-developed body of law that defines reasonable expectations of privacy and the ways in which law enforcement can gain legitimate access to evidence which falls within the areas where a reasonable expectation of privacy exists. Another layer of protection would be redundant.

It should also be pointed out that under the Committee Bill evidence legitimately obtained by law enforcement pursuant to a valid consent, a traditional and legitimate

source of evidence otherwise protected by a reasonable expectation of privacy, and one recognized by Section 1(b)(1)(A) of the Committee Bill, could apparently not be used for any law enforcement purpose under the restrictions set forth in Section 1(b)(2) of the Bill. The net effect would be to completely bar the use of consensually obtained evidence of this limited class for law enforcement purposes. This would leave search warrants as the ONLY method by which law enforcement could obtain such evidence, even from a fully cooperative vehicle owner or lessee.

For these reasons, the Division of Criminal Justice would respectfully recommend the Committee's rejection of S.B. No. 974. We would be happy to provide any additional information or answer any questions the Committee might have.

Thank you.