



**State of Connecticut**  
**DIVISION OF CRIMINAL JUSTICE**

**Testimony of the Division of Criminal Justice**

*Presented by Chief State's Attorney Kevin T. Kane  
Joint Committee on Judiciary, January 17, 2007*

**S.B. No. 126 (RAISED) An Act Adopting Certain Recommendations of the  
Judicial Branch Public Access Task Force**

**H.B. No. 5258 (RAISED) An Act Adopting Certain Recommendations of  
the Governor's Commission on Judicial Reform**

Good afternoon Senator McDonald, Representative Lawlor, Senator Kissell, Representative O'Neill and members of the Judiciary Committee. For the record, I am Kevin T. Kane, the Chief State's Attorney, and I appear before the Committee to speak on both bills on the agenda, S.B. No. 126 and H.B. No. 5258.

The Division Criminal Justice fully supports the underlying intent of these bills. We commend the Judicial Branch and the Office of the Governor for examining these important issues and bringing forth what may well be good recommendations. The Division fully recognizes and strongly supports the concept of public access to the courts. We are well aware of the fact that every time we appear in court as prosecutors we are doing so on behalf of the State of Connecticut, that is, the people of Connecticut.

That being said, we also recognize that our primary responsibility to the people – and on behalf of the people – is the pursuit of justice. It is for this reason that we must take strong exception to one aspect of both bills, that being the provisions that we believe would lead to unrestricted electronic recording of all court proceedings in criminal matters. We would respectfully urge the Committee to amend these bills to eliminate the sections dealing with "cameras in the courtroom" and to leave intact the existing provisions in court rules governing electronic media coverage.

A criminal trial is fundamentally a search for the truth. In order to determine the truth the fact-finder, whether it is a judge or jury, needs the open and frank testimony of witnesses who are as unencumbered as possible from the inhibiting effects of fear, nervousness or self-consciousness, witnesses who are not distracted and who can remain focused so that they can recall and accurately relate the events in question.

Many witnesses are already fearful and reluctant to testify – and sometimes for very good reason. Why do you think this General Assembly established our Witness Protection Program? You

need look no farther than the streets right here in the City of Hartford to see young people wearing t-shirts warning against "snitching." Many people will not even cooperate with the police let alone agree to come forward as witnesses in a criminal proceeding. You can only imagine what these and others will say – and what they will do, or not do – when they know that if they do come forward they may be featured on the evening news. Testifying in court in a contested hearing or trial is a difficult experience for most people even under the best of circumstances. Even where witnesses are willing to testify, the knowledge that there will be cameras in the courtroom adds an intangible factor that may well impact negatively on the quality of their testimony and could lead to an erroneous or incorrect verdict.

Even more disturbing in some aspects is the impact that unrestricted coverage of trials could have on the victims of crime. Again, keep in mind that with very, very rare exception, we are talking about people who are completely innocent, who are suffering through no fault or no actions of their own. They have already been violated and subjecting them to what may quickly become a circus atmosphere is just plain wrong.

It is rather common for prosecutors to warn victims and their families in advance when graphic crime scene photos or other disturbing evidence will be presented. We do this to give them the option of not being present in court when this happens. How can we justify delivering this material into their living rooms and every other living room in this state?

Informing the public is an important goal, but opening the courts to 10- or 20-second sound bites will do nothing to educate the public and increase their understanding of the judicial process. In fact, such coverage is at best likely to be superfluous. More often than not, the media will focus only on the sensational trials and the resulting coverage will be unavoidably sensational. An industry that focuses almost exclusively on "breaking news" and what sells advertising time is highly unlikely to devote the time and resources for gavel-to-gavel coverage that might help to foster a better understanding of the system. They will go for the quick and easy story that will grab a headline. The television and radio reporters are almost uniformly excellent journalists who are experienced in summarizing and describing witnesses and testimony, and do so very effectively.

The interests of justice and common decency demand that we look beyond the politically popular concept to throw open everything and consider what we are really talking about. The Division of Criminal Justice strongly urges the Committee to amend this bill to assure that unrestricted electronic coverage of criminal proceedings does not occur.

On a final note, allow me to state for the record that our opposition would not apply to proceedings at the appellate level, i.e., the Appellate Court and the Supreme Court. We would also state for the record that the Division would not oppose expanded coverage of certain criminal proceedings where the participation of witnesses and/or victims would be not adversely affected. This could include arraignments, bond hearings and similar proceedings depending on the circumstances. We would be happy to work with the Committee and other interested parties to further explore these particular matters.

Thank you.