



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

OFFICE OF THE CHIEF STATE'S ATTORNEY  
300 CORPORATE PLACE  
ROCKY HILL, CONNECTICUT 06067  
(860) 258-5800

**Testimony of the Division of Criminal Justice**

**S.B. No. 1479 (RAISED) AN ACT CONCERNING JUDICIAL BRANCH  
OPENNESS**

*Joint Committee on Judiciary – April 9, 2007*

The Division of Criminal Justice commends the Committee for the serious thought and consideration that you have given to the issues raised in S.B. No. 1479, An Act Concerning Judicial Branch Openness, and to the concerns raised about earlier versions of legislation dealing with these issues.

We fully recognize and understand the importance of conducting public business in public. At the same time, we appreciate the Committee's recognition of the right to privacy and the need for confidentiality in certain aspects of the criminal justice system, particularly in the investigation of alleged criminal activity. We do have some concerns with the bill, primarily our previously stated opposition to allowing media video and audio recording of certain court proceedings and the impact such "sound bite" coverage could have on the trial as a search for the truth. Nevertheless the Division would still commend the Committee for the obvious amount of time and effort that has gone into the bill as it is now written.

The Division particularly appreciates the work of the Committee with regard to the language of Section 4 of the bill, which would correct a very serious flaw that exists in one provision of another bill, that being Section 2 of S.B. No. 1064, File No. 308, An Act Eliminating Certain Printing Requirements, Establishing Penalties for Violations and Defining "Administrative Functions" under the Freedom of Information Act (favorably reported by the Joint Committee on Government Administration and Elections). The apparent purpose of this section is to provide a definition of what constitutes administrative functions of the Judicial Branch with regard to the Freedom of Information Act.

As now written Section 2 of S.B. No. 1064 would eliminate the exemption from the Freedom of Information Act afforded to the Division of Criminal Justice to protect the confidentiality of criminal investigations and to prevent the disclosure of uncorroborated allegations of criminal activity. Although we believe this would be an inadvertent and

completely unintended outcome, the consequences of this language cannot be understated. This particular provision would eviscerate the ability of the Division of Criminal Justice to conduct criminal investigations and to protect against the public disclosure of uncorroborated allegations of criminal activity, allegations that may in fact be completely unfounded. The provision as now written also would jeopardize our ability to protect the confidentiality involved with the Witness Protection Program and our ability to protect witnesses, whether they are accepted into the program or not, from danger. These concerns are addressed by the language of Section 4 of S.B. No. 1479, which limits its application to the administrative functions of the Judicial Branch and the concerns the General Assembly is apparently attempting to address.

**We would urge the Committee in the strongest of terms to amend S.B. No. 1064 to delete Section 2 as that section would go far beyond what was intended, and what is, in fact, accomplished in Section 4 of S.B. No. 1479, which is before the Committee today.**

Thank you.