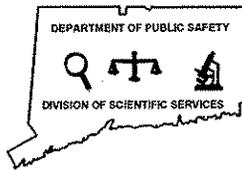




STATE OF CONNECTICUT



DEPARTMENT OF PUBLIC SAFETY
OFFICE OF THE COMMISSIONER

John A. Danaher III
Commissioner

Lieutenant Edwin S. Henion
Chief of Staff

March 3, 2009

Rep. Stephen Dargan, Co-Chairman
Sen. Andrea Stillman, Co-Chairman
Public Safety and Security Committee
Legislative Office Building
Hartford, CT 06106

SB 986 AN ACT PROHIBITING THE DISCLOSURE OF A POLICE OFFICER'S ADDRESS ON A TOWN'S GRAND LIST

The Department of Public Safety suggests alternative language.

Conn. Gen. Stat. § 1-217, protects from public disclosure by any public agency the residential addresses of twelve different groups of government employees. Among others, the statute protects law enforcement officers, state and federal judges, prosecutors and public defenders, employees of the Department of Children and Families and the Department of Correction. There is a compelling public policy justification for providing this critical statutory protection for these public servants. As a function of the work that they do for the citizens of this state, these dedicated state and federal officers and employees, and their families, risk becoming the target of criminal revenge.

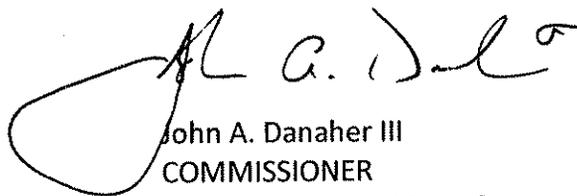
It is the position of the Department of Public Safety that Conn. Gen. Stat. § 1-217, as currently codified, prohibits the disclosure by any public agency of residential addresses of the enumerated classes of government employees, and that this preclusion includes grand lists of municipalities. This bill may be an attempt to legislatively clarify the all-encompassing protections of Conn. Gen. Stat. § 1-217 that were recently cast into doubt by a final decision of the Freedom of Information Commission that is currently under appeal.

In the recent case of *Peter Sachs v. Assessor, Town of North Stonington*, FIC #2008-412, the Town of North Stonington was ordered to provide an unredacted copy of a file they received from DMV that is used to generate the town's motor vehicle grand list. The file includes the names and residential addresses of persons protected by CGS 1-217. In a strict sense, this bill would not even address the specific facts of this case, because it was not the actual grand list that was requested, but the DMV file used to generate the grand list. The evidentiary hearing in *Sachs* was held on October 14, 2008, and the hearing officer's proposed final decision was adopted by the full Commission on January 14, 2009. Administrative appeals challenging this

decision have been filed in Superior Court in New Britain by DPS and DOC (HHB-CV-09-4019783-S) and DCF (HHB-CV-09-4019848-S). While the agency believes that the FOI commission's decision will be overturned, it would be best to remove any possible confusion regarding this issue and clarify that protected addresses of these officials are not subject to disclosure pursuant to any state statute. To make this clear as to all possible applicable statutes, the language needs to be changed. The Department of Public Safety is concerned that passage of this bill as drafted could actually result in reduced protections for police officers and others protected by Conn. Gen. Stat. § 1-217 in circumstances other than those specifically addressed. There are several other statutes that require publication of names and residential addresses, such as Conn. Gen. Stat. § 9-54 (voter registration lists) and Conn. Gen. Stat. § 22-338 (dog licenses). The position of the Department of Public Safety is that the intent of the legislature in passing Conn. Gen. Stat. § 1-217, as codified, clearly prohibits disclosure of the residential addresses of the protected persons in *all* of those circumstances. Passage of this bill as currently drafted could give rise to the argument that Conn. Gen. Stat. § 1-217 is not intended to cover residential addresses contained in a municipal Grand List, and that protection from disclosure under Conn. Gen. Stat. § 12-55 is limited solely to municipal and state police officers. Passage of the bill, as currently phrased, would unnecessarily cloud the intended reach of Conn. Gen. Stat. § 1-217 and expose state and federal judges, prosecutors and public defenders, employees of the Department of Children and Families and the Department of Correction to greater risk, undermining what is currently a clear and comprehensive prohibition on the disclosure of residential addresses of these critical public servants.

The simplest way to clarify any possible confusion concerning the protections the legislature intended with passage of Conn. Gen. Stat. § 1-217 would be to add language to Conn. Gen. Stat. § 1-217 which explicitly makes the protections applicable notwithstanding any other statutory language to the contrary. Although we believe the current statute is unambiguous, this additional language would clarify the intent of the legislature for those with alternative or competing interests.

Sincerely,



John A. Danaher III
COMMISSIONER
Department of Public Safety