



State of Connecticut
DIVISION OF CRIMINAL JUSTICE

Testimony on the Division of Criminal Justice

In Support of:

H.B. No. 5249 (RAISED) An Act Concerning the Confidentiality of Certain Documents and Records in Psychiatric Security Review Board Proceedings

*Joint Committee on Judiciary
February 26, 2010*

The Division of Criminal Justice supports H.B. No. 5249, *An Act Concerning the Confidentiality of Certain Documents and Records in Psychiatric Security Review Board Proceedings*. The proposed changes ensure that information considered by the Board or used as evidence is public record.

This change is important for two reasons; the first is transparency and protection of the public. It should be remembered that an acquittee before the Psychiatric Security Review Board (Board) has chosen to be there by voluntarily raising the affirmative defense "not guilty by reason of insanity." At their criminal trial they chose to make public their mental health status and be excused from criminal responsibility. The vast majority of acquittees were charged with extremely serious crimes, such as murder. Ensuring that material before the Board is public record continues the examination of evidence first brought to light by the acquittee in their underlying criminal proceeding. If a person who has engaged in serious criminal conduct is to be considered for release or less restrictive housing, the general public has a right to know and be protected by the availability of information before the Board.

The second reason is to ensure that all information seen or considered by the Board in making their decision is available to the Superior Court on appeal from the Board's decision. These appeals before the Superior Court are typically open to the public like other cases before the Superior Court. What some acquittees have sought to do is appeal the Board's decision concerning discharge, release or confinement and object to the Board's seeking to put the negative aspects of their psychiatric history into evidence before the Superior Court, claiming confidentiality, thus denying the Superior Court of all information considered by the Board in making their decision. Passage of this bill would enable the public eye to be kept on these very important proceedings.

Respectfully submitted,

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