

Claude Albert, Legislative Chair, Connecticut Council on Freedom of Information

Comment on Raised Bill No. 230, An Act Concerning the Videotaping of Custodial Interrogations

Senator McDonald, Representative Lawlor and members of the Judiciary Committee:

My name is Claude Albert. I live in Haddam, and I am the legislative chair of the Connecticut Council on Freedom of Information.

I am here to comment on one provision of SB 230 – subsection (i) – which makes taped interrogations of criminal suspects exempt from disclosure under the Freedom of Information Act. We believe that taping interrogations may be good public policy that protects both criminal suspects and the police, but we are concerned about the provision keeping video interrogations permanently secret.

Presumably some of these interrogations will become public through the court process, but others will not, either because they are not used in court or because charges are never brought.

We recognize that this is somewhat new territory for all concerned, and we would be eager to work with the committee, the Freedom of Information Commission and criminal justice officials on any substantive and technical issues involved.

Our present thinking is that videotaped interrogations should be subject to the same disclosure requirements and exemptions from disclosure that written records of interrogations are subject to today. For example, the FOI Act allows police to withhold information that would be prejudicial to a pending law enforcement action. In practice, this has generally meant that such information can be withheld until there is a disposition in court or an investigation is no longer active. The FOI Act also provides other screens through which police and all other records pass before being released, such as the exemptions for medical information and invasions of personal privacy.

The actions of the police are an area of government authority where legitimate public interest is at its apogee. Cases will inevitably arise in which the public interest calls for close scrutiny of an investigation that includes a videotaped interrogation that has not become public in court. A person questioned by the police may want access to the videotape of his own interrogation. We believe adoption of this beneficial technology should not upset the present balance of public access to police information.