

Department of Correction

Testimony of Sandra A. Sharr, Legal Director

Government Administration and Elections Committee

*Raised Bill No. 423, An Act Concerning Recommendations of the Connecticut
Town Clerks Concerning Disclosure and Elections Laws*

March 12, 2010

Good morning, Senator Slossberg, Representative Spallone and honorable members of the Government Administration and Elections Committee. I am Sandra Sharr, Legal Director for the Department of Correction, representing Acting Commissioner Brian K. Murphy who was unable to be here today. I am here this morning to speak against Section 1 of Raised Bill No. 423.

In 1995, the legislature recognized the importance of shielding the addresses of judges, magistrates, policemen, DOC employees, prosecutors and public defenders. The vote in the legislature on Public Act 95-163, was nearly unanimous: 148-1 in the House and 35-0 in the Senate. Over the years, the legislature saw fit to afford other state employees this protection – employees of the Division of Criminal Justice, the Judicial Branch, DCF, DMHAS, Board of Pardons and Paroles and CHRO – because they found that these particular public employees are uniquely at risk as to their safety and security by virtue of their employment. The need for this protection has not dwindled.

The law, when it was passed, had a carve out for DMV records. Now, eight (8) additional carve outs are being proposed. These proposed carve outs, in effect, would strip the protection that previous legislators felt was so vital to these specific classes of employees. The DOC takes exception to the release of these documents without redaction of staff names and addresses.

Prior testimony was provided to this Committee on Raised Bill 5404 regarding inmate access to staff personnel, medical or similar files. As stated in the earlier testimony, inmates access staff information for intimidation and harassment purposes. A current example of why some inmates are seeking home addresses of staff is to file a lien against an individual's property. This filing of false liens as a means of harassment against public officials and employees is a practice employed with some regularity nationwide by inmates, criminal defendants and disgruntled litigants. Inmates copyright their names, obtain a UCC filing number from the Secretary of State's Office, then, upon locating the residential address of a staff member, place a fraudulent lien on that individual's property. These liens are very easy to file, but they are baseless. They remain on public databases and are used to impede an individual from selling his or her home or obtaining credit. Currently, a \$6 million lien has been placed on the former Commissioner of Correction's home by an inmate. Similar attempts and threats have been made against prosecutors, judges and wardens.

The information the inmates seek not only affects correctional staff, but since 2008 inmates have requested real estate assessment information on private citizens from the towns of Manchester, Meriden, Woodbury, Canton, Stamford, Stratford, Enfield, Newington and Bridgeport for the purposes of placing liens.

As recently as August, 2009 an inmate housed at Northern Correctional Institution, our maximum security facility, who has a history of gang affiliation and violence, requested a copy of the voter registration list for the city of Stamford.

Of even more concern is that inmates sometimes target staff with threats of physical violence. The testimony provided earlier this week to this Committee by DOC staff, as well as by Acting Commissioner Brian Murphy, regarding concerns for staff safety did not express idle or exaggerated fears. The majority of the Department's employees are classified as hazardous duty and have regular daily, direct contact with inmates, many of whom are violent and anti-social. Inmates often develop grudges over trivial matters that are real or imagined. Even those employees who do not work directly with inmates have exposure to and can be affected by them by virtue of decisions they make in the course of their employment, which an inmate may perceive as disadvantageous. If inmates can readily obtain the home addresses of correctional staff one can only imagine the possible consequences to the staff members and his or her family.

I would like to add that the DOC has met with various town clerks and appreciates the difficulties they encounter. We appreciate that the lists don't identify individuals as belonging to the employee categories set forth in C.G.S. §1-217, and we don't expect that the towns will be clairvoyant. We recognize that it is incumbent on each employee to alert his or her town that he or she is covered by this statute. We periodically remind our staff of this responsibility.

Connecticut General Statute §1-217 was passed to protect those individuals who in the course of their duties protect the citizens of Connecticut. We need to continue to protect them. I urge you to oppose Raised Bill No. 423.

Thank you for giving me this opportunity to speak on this very important issue. I will be happy to address any questions you may have.