

Department of Correction

Testimony of Leo C. Arnone, Commissioner

Judiciary Committee

Raised Bill No. 1183, *An Act Concerning Inmate Requests of Public Records*

March 21, 2011

Good morning, Senator Coleman, Representative Fox and members of the Judiciary Committee. I am Leo Arnone, Commissioner of the Department of Correction.

The Department supports measures that would limit the number of requests that an inmate could make under the Freedom of Information Act. The Department deals with a large volume of inmate requests on a daily basis. Inmate requests range from copies of incident reports to copies of all inmate property claims upheld and those denied over a nine-year period (five years alone resulted in 64,000 pages), to copies of all food purchases for the last five years. A recent survey conducted by the Department's Freedom of Information Administrator found that the agency spends approximately \$625,000 annually in staff time and resources to respond to inmate requests. This does even begin to address the cost to other state agencies and municipalities that also respond to an increasing number of inmate requests.

The Department has concerns about the practical application of the bill's provisions. Bill 1183. There appears to be nothing to guide the judge referee as to what is and what is not a reasonable FOI request. Additionally, how would a judge make that determination when most inmate requests do not specify why they want the information and nothing in the FOI Act requires them to make that representation? There is also the question that if a request is denied by the judge, does the inmate have the right to appeal the denial and who would be the respondent?

The Department supports section 3 of the bill, which would exempt from disclosure to an inmate a statement filed by a campaign treasurer, and has first-hand experience with such a request that was made in 2010. The Elections Enforcement Commission received an inmate request for "itemized contribution from individuals, committees, corporation and any other entities" to a state senator's campaign and committee. The Commission provided the Department with redacted documents, which were reviewed and further redacted to remove names and other identifying information. The redacted documents were returned to the Commission for dissemination to the inmate. The inmate has filed a complaint that is currently pending with the Freedom of Information Commission. It is important to note that while this information is posted and can be found on the Commission's website for viewing by the general public, incarcerated inmates do not have access to the internet for safety and security reasons.

Thank you for your consideration of the Department's views on Raised Bill No. 1183.