

Department of Correction

Testimony of Leo C. Arnone, Commissioner

Judiciary Committee

Raised Bill No. 1234, *An Act Concerning Nondisclosure of Residential Addresses of Certain Public Officials and Employees*

April 8, 2011

Good morning, Senator Coleman, Representative Fox and members of the Judiciary Committee. I am Leo Arnone, Commissioner of the Department of Correction. I am submitting this testimony in support of Raised Bill No. 1234, *An Act Concerning Nondisclosure of Residential Addresses of Certain Public Officials and Employees*

Over 15 years ago, in 1995, the legislature passed the residential address protection law (*Connecticut General Statute §1-217*). When first passed, the law was called the hazardous duty statute because the officials and employees whose addresses were protected were viewed as the most "at risk" for harm if their residential addresses were made available to the public. At that time, protected officials and employees were judges, magistrates, police officers, Department of Correction employees, and past and present state prosecutors and public defenders. To this list were added Division of Criminal Justice inspectors (1996), firefighters (1997), employees of the Department of Children and Families (1999), Board of Pardon and Parole members (1999), Judicial employees and Public Defender Services Division social workers (2001), and members and employees of the Commission on Human Rights and Opportunities (2002).

The impetus for the original legislation was the shock over the release of the names of correction officers to a recently released inmate [from a level 5 facility, the most dangerous classification in the state's prison system] who made a Freedom of Information request for the names and addresses of several female staff members who worked in the facility in which he had been incarcerated.

In 2008, this statute was challenged in an FOI appeal. The case involved a request to the Town of North Stonington for an exact electronic copy of the file that the Connecticut Department of Motor Vehicles provided to the town, pursuant to state statute, for use in preparing its Motor Vehicle Grand List. The assessor informed the requestor that an exact electronic copy of the list was protected from disclosure pursuant to *C.G.S. §1-217*, but that he would modify the electronic copy to redact names and residential addresses protected under *C.G.S. §1-217* and provide that list once the complainant agreed to compensate the assessor for his time. The complainant appealed the redactions. The FOIC hearing officer ultimately ordered the town to provide the information without redactions, citing *C.G.S. §12-55*, a

statute that requires town tax assessors to publish a grand list of all personal property in their town (including motor vehicles), which grand list includes the address of every person in town who owns property. The full commission approved the hearing officer's recommendation.

The town appealed to the Superior Court and the Department of Correction, the Department of Public Safety and the State of Connecticut Judicial Branch, which had filed intervenor status in the FOIC proceeding, joined the town in this appeal. Additional intervenors in the lawsuit were the Department of Children and Families and AFSCME, Council 4. The court examined the conflict between the statutory mandate of disclosure of the grand list (C.G.S. §12-55) and the statutory duty of municipal officials to protect discrete individuals by refusing to disclose their residential addresses (C.G.S. §1-217). The court unfortunately concluded that C.G.S. §1-217 does not apply to the preparation and dissemination of the grand list under C.G.S. §12-55; under C.G.S. §12-55, no town property-holder names and addresses may be redacted when the tax assessor prepares the grand list and opens the list for public inspection. The court's decision was appealed and is currently pending before the Connecticut Supreme Court as *Dept. of Public Safety v. FOIC*.

This outcome at the superior court circumvents the original intent of C.G.S. §1-217. C.S.G. §1-217 and its amendments exempting the residential addresses of high risk employees from disclosure were passed for good reasons. The concerns that motivated the legislature in 1995 have not been reduced. They have actually increased. The majority of DOC's employees are classified as hazardous duty. They work with accused and sentenced offenders in correctional institutions, centers and units and with recently released offenders. The work environment in the facilities can become highly volatile in a very short time. The work is dangerous and the risks high. Even those employees who do not work directly with the offender population have exposure to and can be affected by those who are incarcerated through their work in facilities and by decisions they may make in the course of their employment.

Raised Bill No. 1234 serves to preserve the protection that was granted to these classes of state employees back in 1995, a protection that has been diluted by the superior court's decision. I urge you to vote for HB 1234 and restore the legislature's intent to safeguard these high risk employees who face dangerous conditions in their jobs on a daily basis.

Thank you for the opportunity to present the Department's views on this matter.