

Testimony of Chris VanDeHoef in **opposition** to SB 388 An Act Implementing the Recommendations of the Task Force on Victim Privacy and the Public's Right to Know

Senator Coleman, Representative Fox and Members of the Judiciary Committee, my name is Chris VanDeHoef, I'm the executive director of the Connecticut Daily Newspapers Association (CDNA). CDNA represents all 17 daily newspapers in Connecticut.

***I am here testifying in opposition to SB 388, An Act Implementing the Recommendations of the Task Force on Victim Privacy and the Public's Right to Know.***

First, I would like to commend the Members of the Task Force that produced these recommendations. I attended every task force meeting and hearing and believe, that while there are certainly differences of opinion, those who served did so admirably and they are to be thanked. Unfortunately, it's our opinion that the recommendations that this bill would seek to implement are near sighted and would do significant harm to our state's great Freedom of Information Act.

The tragic events at Sandy Hook Elementary School of December 14th, 2012 will forever be a scar on the collective heart of Connecticut and her citizens. It was in the wake of this horrific event that the legislature adopted a law - without a hearing and at 1am on the final day of session - that exempted visual depictions of homicides from the state's Freedom of Information Act. That bill also formed the task force that provided these recommendations.

CDNA was opposed to the legislation that passed last session but was encouraged by the formation of the task force. Unfortunately, the task force has provided recommendations that go even further than the bill that passed last year. Instead of "balancing" FOIA and victim's rights, the task force has recommended closing off access to 9-1-1 calls, additional crime scene photographs and depictions, interoperable communications between law enforcement officers if there is a description of a homicide and more. CDNA appreciates the argument that these recommendations provide the public an opportunity to "view" or "listen" to the files but they must do so at the police station where the record is kept. If the public then determines the recording, or photo, should be released to a wider audience they need to convince the police department to release the record. In many cases the reason to release it would be to shine a light on inappropriate actions - or inaction - by law enforcement. Additionally, before the record would be released the police department needs to notify the next of kin before release, again delaying public access to records.

Much emphasis has been put on victim's rights and their right to privacy. CDNA applauds this and urges continued support for victims and victims families. Newspapers must weigh the impact of their stories and pictures before publishing a paper. It's often argued that newspapers - and the media, generally - will publish something that is "sensational" simply to sell newspapers or get clicks on a website. While the excitement of a story is certainly a factor in a reader en-

gaging in the paper it is not simply there to sell a paper. Some stories, by their nature, are sensational. Reporting on a sensational story does not mean that the newspaper is "sensationalizing" but rather it's just reporting the news. Unfortunately, many news stories are upsetting to some, if not all. But it's the media that has to continue reporting on what it is we do, and do not do, as a society.

Closing access to information, or making it more difficult to access information, will not spare families the difficulty of reliving the tragedies that have deeply impacted their lives. Closing FOIA will simply provide a thick veil for those seeking cover to their tracks from a public that otherwise might like to pry into unacceptable or reprehensible behavior in an effort to hold this in power accountable.

It is our recommendation that the committee take no action on this proposal.

Thank you,

Chris VanDeHoef  
Executive Director  
Connecticut Daily Newspaper Association

	Current Law (P.A. 13-311)	Task Force Recommendations
Identity of Minor Witnesses	<ul style="list-style-type: none"> <li>Exempts the identity of minor witnesses.</li> </ul>	<ul style="list-style-type: none"> <li>Exempts the identity of witnesses to a drug offense, sexual offense or a crime of violence who are under 18 at the time of witnessing or making a statement to law enforcement concerning such offense or crime.</li> </ul>
Homicide Photographs & Visual Images	<ul style="list-style-type: none"> <li>Exempts photographs, film, video, digital or other visual images <u>depicting a homicide victim</u> to the extent that the disclosure of the record could reasonably be expected to constitute an unwarranted invasion of the <u>victim's or surviving members'</u> personal privacy.</li> </ul>	<ul style="list-style-type: none"> <li>Exempts photographs, film, video, digital or other visual images <u>depicting the body or any portion of the body of a homicide victim</u> to the extent that the disclosure of the record could reasonably be expected to constitute an <u>unwarranted invasion of personal privacy</u>.</li> <li>Viewing of an image is permitted.</li> <li><b>COPYING is PROHIBITED</b> unless, after <u>notification</u> to the <u>next of kin</u>, there is <u>no objection</u> to disclosure. If there is an objection, the <u>requester</u> has the <u>burden of proof</u>.</li> </ul>
Audio Recordings	<p style="text-align: center;"><b>No restrictions after May 7, 2014.</b></p>	<ul style="list-style-type: none"> <li>Exempts an audio recording that is an operative communication among law enforcement personnel relating to a homicide and captures, conveys or relates the impaired physical condition of the caller or another person to the extent that the disclosure could reasonably be expected to constitute an unwarranted invasion of personal privacy.</li> <li>Listening to recordings and access to transcripts (at a cost) is available.</li> <li><b>COPYING is PROHIBITED</b> unless, after <u>notification</u> to the <u>caller</u>, there is <u>no objection</u> to disclosure. If there is an objection, the <u>requester</u> has the <u>burden of proof</u>.</li> </ul>

<p>911/ Emergency Calls for Assistance</p>	<p><b>No restrictions.</b></p>	<ul style="list-style-type: none"><li>• Exempts calls made by a member of the public that relates to a homicide and captures, conveys or relates the impaired physical condition of the caller or another person to the extent that the disclosure of the record could reasonably be expected to constitute an unwarranted invasion of personal privacy.</li><li>• Listening to 911 calls and access to transcripts (at a cost) is available.</li><li>• <b>COPYING is PROHIBITED</b> unless, after <u>notification</u> to the <u>caller</u>, there is <u>no objection</u> to disclosure. If there is an objection, the <u>requester</u> has the <u>burden of proof</u>.</li></ul>
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