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TESTIMONY ON S.B. NO. 388: AN ACT IMPLEMENTING THE
RECOMMENDATIONS OF THE TASK FORCE ON VICTIM PRIVACY AND THE
PUBLIC'S RIGHT TO KNOW

You have before your committee recommendations from the Task Force on Victim Privacy and the Public's Right to Know, of which I was a member. Our task force was made up of passionate members from a variety of backgrounds, including criminal justice, public safety, legislative and the media.

After months of debate, research and discussion, two facts remain clear:

1. The members were strongly divided in our opinions regarding how accessible crime scene photos and records should be to the public.
2. The members agreed: Public Act 13-311 needs to be changed.

Public Act 13-311 is the law currently in effect outlining which records from criminal investigations are exempt from release under the Freedom of Information Act. The law was adopted under emotional circumstances in the wake of a horrific crime. It was passed without public hearings and the discourse needed to understand its full implications.

Records about crime in our society should be accessible to the public and to the press corps that helps the public understand these events. A democratic society needs to be able to reflect upon and understand these incidents and question those involved in the response to them. While I personally and professionally believe this, I supported a compromise as a member of the task force. I did so because I wanted to see the public's access to records expanded from that allowed in the current law. The proposal allows review -- although under burdensome circumstances -- and provides an option for possible release of the records. This option is not ideal, but is better than the law in place today.

As you consider the recommendations before you, I'd ask that you reconsider two key components of the proposal. I voted for the final report, but expressed concerns about these two provisions.

The burden should not be on members of the public to prove a record should be released (as recommended with the switch from the Favish to the Perkins standard). Also, 911 calls should not become part of the exemptions. These emergency calls provide valuable insight into public safety response and need to remain public in their entirety.