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**Testimony in Opposition to Raised Bill No. 387,
An Act Concerning the Nondisclosure of Certain Personnel or
Medical File Information of a Probation Officer to a Person
Who is Under Probation Supervision**

March 12, 2014

Good afternoon Senator Coleman, Representative Fox and distinguished members of the Judiciary Committee. My name is Andrew Schneider. I'm the executive director of the American Civil Liberties Union of Connecticut and I'm here to testify against Raised Bill No. 387, An Act Concerning the Nondisclosure of Certain Personnel or Medical File Information of a Probation Officer to a Person who is Under Probation Supervision

In 1996, Richard Straub was charged with more than 100 counts of sexually abusing boys and young men, most of them under his supervision as a probation officer. Police searched four probation offices in their investigation and found piles of documents showing that Straub was suspected of sexually abusing teenagers in his office and that these suspicions had been reported to his supervisors over the course of the preceding seven years. According to The Hartford Courant, the police found complaints from co-workers, internal investigation reports, files, notes and other documents written by Straub's supervisors.¹ These are the very kinds of documents this bill seeks to conceal, the very documents that his victims could have used to get help. And those victims were the only individuals outside the Court Support Services Division to know that those documents might exist.

I remind you of this horrific story because it shows why an individual under the supervision of a probation officer or in prison for violating probation could have a legitimate, indeed a crucial, interest in such documents. The police investigation of Richard Straub revealed, by the way, that he often used the threat of a probation violation, of sending his victims to prison, as a way to coerce them.

Of course the vast majority of probation officers could never be suspected of committing such horrible crimes. And it's understandable that this committee wants to protect those hard-working and innocent probation officers from any harm. Fortunately, the Freedom of Information Act already does that. As Section 1-210 of the Connecticut General Statutes states: "Nothing in the Freedom of Information Act shall be construed to require disclosure of ... [p]ersonnel or medical files and similar files the disclosure of which would constitute an invasion of personal privacy."² Under this provision, the Freedom of Information Commission has carefully and reasonably protected the privacy and safety of government employees, without fail.

That's why this proposed exemption is unnecessary, a solution in search of a problem where none exists. It is an attempt to further erode the Connecticut's Freedom of Information Act without

¹ <http://www.courant.com/news/special-reports/hc-straub.artdec1996,0,3841703.story>

² <http://www.cga.ct.gov/2011/pub/chap014.htm#Sec1-210.htm>

justification. There is no legitimate interest here that is not already protected. There is nothing to balance against the public's right to know.

Connecticut's Freedom of Information Act is intended to allow all of us who are subject to government authority to hold the government accountable for how it exercises that authority. And none of us is more thoroughly subject to government authority, monitoring and supervision than individuals who are incarcerated or on probation. Nobody is more vulnerable to the abuse of that authority. To exclude them as a class from access to information about the official conduct of the people who wield that authority over them is to invite injustice.

Additionally, a more narrowly-tailored bill regarding personal information of probation officers, House Bill 5125, was recently approved by the Government Administration and Elections Committee. Although we believe both bills are unnecessary, House Bill 5125 is more acceptable proposal. I respectfully ask you to reject Raised Bill 387.