

**Testimony of Alexander Wood in opposition to
HB 5063, An Act Concerning the Disclosure of Pardon Applications**

I regret that I missed Tuesday's public hearing on HB 5063, An Act Concerning the Disclosure of Pardon Applications, which is a direct reaction to three cases I have filed before the Freedom of Information (FOI) Commission as a result of non-compliance with the FOI Act by the Board of Pardons and Paroles.¹ HB 5063 would effectively prohibit disclosure of all pardon applications except upon the request of the state's attorney. Because the FOI Act permits public agencies to hold closed meetings to discuss confidential documents,² the bill would also permit all pardon panel meetings to be held behind closed doors.

There is a long tradition of openness and transparency in our criminal courts, and it exists for a good reason: Public confidence in the criminal process depends on it. Secret decision-making on criminal matters could permit the existence of favoritism and corruption and would almost certainly result in public suspicions that such things were taking place.

In Connecticut, an absolute pardon results in erasure of all a person's criminal convictions in our courts. In other words, it makes a person's Connecticut criminal record go away. Conducting that process secretly will similarly leave the door open to favoritism and corruption and almost certainly will result in public suspicion.

My examination of the pardon process has already uncovered one irregularity: This legislature has determined that an absolute pardon should result in erasure of a person's criminal record.³ But the Board of Pardons and Paroles has been directing other criminal justice agencies to erase the records of people to whom it grants pardons with a condition attached, usually that the person not possess a handgun. In other words, the board has arrogated to itself the power to reverse a decision made by this legislature. When a public agency has operated without public scrutiny for many years, as the board has, such things are inevitable. They demonstrate clearly why public scrutiny is necessary.

I recognize that the purpose of our criminal erasure statutes is to promote rehabilitation by enabling people who are judged unlikely to reoffend to escape the stigma of a criminal record. I also recognize that there is a tension between

¹ The FOI Commission has rendered decisions in two of these cases, docket numbers 2012-668 and 2013-082. For copies of the decisions, go to the FOI Commission's website, <http://www.ct.gov/foi/site/default.asp> and enter the docket number into the search box.

² See General Statutes Section 1-200 (6) (E).

³ See General Statutes Section 54-142a (d).

public scrutiny of the pardon process and the goals of the erasure statute. I am not convinced, however, that an appropriate response to that tension is to slam the door shut on all public scrutiny of the pardon process. I suspect we will find that occasional news coverage of the pardon process does not obviate the enormous benefit of having all official records of a criminal conviction erased.

The state of Connecticut has significant power, but it cannot change history. Despite the erasure statutes, documentation regarding criminal cases that end without a conviction remains in the archives of news organizations and other private entities and individuals. No reasonable person would suggest that such information must be ferreted out and destroyed for the erasure statutes to serve their purposes.

Like many, if not most, of the laws passed by this legislature, the erasure statutes and the FOI Act are imperfect compromises between competing social goals. If we try to achieve any one of those goals absolutely, we will undermine other important goals. HB 5063 is not a reasonable attempt to balance the competing goals of rehabilitation of former offenders and public confidence in our criminal justice system. I urge this committee to reject this bill. As I have said in the past, I am willing to discuss with anyone reasonable ways to balance the competing goals at issue here.

One final point: I am employed as a staff writer for the Journal Inquirer newspaper of Manchester but submit this testimony only in my capacity as a citizen. I do not speak for the Journal Inquirer.

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