



330 Main Street, Hartford, Connecticut 06106
860-523-9146 | www.acluct.org

Testimony in Support to House Bill No. 6750, An Act Expanding the Requirement For Disclosure Of Arrest Records During a Pending Prosecution Under The Freedom Of Information Act;

February, 13, 2015

Good afternoon Senator Cassano, Representative Jutila, and distinguished members of the Committee on Government Administration and Elections. My name is David McGuire. I am the Staff Attorney for the American Civil Liberties Union of Connecticut (ACLU-CT) and I'm here to testify in support of House Bill 6750, An Act Expanding the Requirement for Disclosure Of Arrest Records During a Pending Prosecution Under the Freedom of Information Act.

In 2014, the Connecticut Supreme Court interpreted § 1-215 of the Connecticut General Statutes, holding that law enforcement agencies need not disclose full incident reports in response to Freedom of Information Act requests. Instead, the Supreme Court ruled that agencies need only to release basic police blotter information about active criminal cases. This holding came with a significant invitation to the Connecticut legislature:

"We deem balancing the various interests and articulating a coherent policy on this matter to be a uniquely legislative function. The General Assembly retains the prerogative to modify or clarify § 1-215 as it sees fit."¹

The ACLU-CT urges this committee to accept this invitation from the Connecticut Supreme Court and make arrest reports and other law enforcement records transparent and available to the public.

House Bill 6750 would restore the status quo that existed before the 2014 Connecticut Supreme Court decision. This holding is contrary to twenty years of Freedom of Information Commission (FOIC) precedent. For years, the FOIC has interpreted §1-215 to require that both basic blotter information and all other information and records pertaining to the investigation must be disclosed unless the law enforcement agency provides a compelling reason that disclosure is not in the public's best interest.

Law enforcement transparency is an essential aspect of a democracy and there is a substantial interest in allowing the public, press and watchdog groups, like the ACLU-CT, to monitor police activity through access to these public records. This bill would make clear that additional records regarding a police

¹ Comm'r of Pub. Safety v. Freedom of Info. Comm'n, 312 Conn. 513, 550 (Conn. 2014)

investigation, which had been routinely given to reporters for decades, must be disclosed absent an established law enforcement exemption. These exemptions adequately safeguard certain sensitive information such as the identity of informants and minor witnesses and information that, if disclosed, would be prejudicial to prospective law enforcement action.

If this legislature does not pass this bill, the Connecticut Supreme Court's decision will prevent meaningful law enforcement transparency. If the Court's decision is allowed to stand, important information regarding arrests can be held from the public and press even if it does not prejudice a law enforcement investigation. When considering how to vote on this proposal please remember that law enforcement agencies have been releasing this type of information for two decades and the members of the press have been professional when using this sensitive information to report on crimes.

We urge this committee to support this legislation and restore meaningful and necessary law enforcement transparency.