

**Government, Administration and Elections Committee**  
**Feb. 13, 2015**  
**Testimony of James H. Smith, President in favor of HB 6750**  
**Connecticut Council on Freedom of Information**

Sen. Cassano, Rep. Jutila, Sen. McLachlan, Rep. Smith, and committee members, The Connecticut Council on Freedom of Information is a nonprofit association in its 60th year advocating for open government for the people. I am James H. Smith, CCFOI president. **We support HB 6750.**

CCFOI asks the General Assembly to resolve an ambiguity that the Supreme Court recently identified in General Statutes 1-215 and to restore the twenty-year interpretation of the Freedom of Information Commission that resolved the ambiguity in favor of greater openness and transparency. HB 6750 makes clear that "records of an arrest" — including basic blotter information — must always be released following an arrest. But a blanket exemption covering all documents except "police blotter" or "record of arrest" information while a prosecution is pending is contrary to the public interest.

This legislation makes clear that other records concerning police investigations must be disclosed unless they fall within 1-210(b)(3), the so-called eight law enforcement exemptions, which includes protecting certain information about a pending case if that information is prejudicial to the case. The courts have ruled that an evidentiary hearing is required to show that information is prejudicial.

Because government gives its law enforcement agencies monopoly power over the use of force and incarceration, they pose one of the greatest threats to a democratic form of government, if and when that power is misused or abused. Consequently, a meaningful Freedom of Information law must provide the greatest measure of transparency.

Thank you

Jim Smith  
President, CCFOI