

The Connecticut General Assembly

Task Force on Victim Privacy and the Public's Right to Know

Co-Chairs:

Rep. Angel Arce, State Representative, Hartford

Don DeCesare, President and General Manager of
WLIS-AM in Old Saybrook
and WMRD-AM in Middletown



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Meeting Minutes

Wednesday, August 21, 2013, 11:00 am
Legislative Office Building, Room 1C

Members Present: Representative Arce, Co-Chair, Don DeCesare, Co-Chair, Garvin G. Ambrose, Reuben F. Bradford, Leonard Boyle (*substitute for Kevin T. Kane*) Representative Dan Carter (*substitute for Representative Debra Lee Hovey*), Senator Eric D. Coleman, Klarm Depalma, William V. Dunlap, Senator Leonard A. Fasano, Jillian Knox, Brian Koonz, Jodie Mozdzer-Gil, Colleen Murphy, James H. Smith, Susan O. Storey, Andrew Woods

Members Absent: Representative Debra Lee Hovey, Kevin T. Kane

- I. Meeting Called to order at 11:00 am by Co-Chair Rep. Angel Arce.
- II. Taskforce members introduced themselves. Co-Chair Arce turned meeting over to Co-Chair Don DeCesare.
- III. Co-Chair DeCesare gave assurance that meeting will be as open as possible. Notice will be given on every available venue, including Secretary of State, Legislative Management and the legislative website.

Five members of the taskforce cannot be replaced. Substitute may be sent; may participate in meeting, but cannot vote.
- IV. Minutes of previous meeting of August 1, 2013 were approved unanimously by motion, second, and voice vote. Professor Dunlap was appointed Parliamentarian. Staff was introduced: Ken Neal, Clerk, Barbara Gordon, Assistant Clerk; Marta Collazzo, Press Liaison and Attorney Shannon McCarthy from the Legislative Commissioner's Office.
- V. Discussion re: Shorter title of taskforce. On motion by Garvin Ambrose, seconded by Sen. Fasano. "Taskforce on Victim Privacy and the Public's Right to Know" was unanimously selected.
- VI. Discussion re: need for sub-committees. Jim Smith suggested there not be committees, as the taskforce is small enough to act as committee of whole. Co-Chair DeCesare and Professor Dunlap spoke in favor of committees. Further discussion; motion made by Jim Smith and

seconded by Garvin Ambrose that the Taskforce act as committee of the whole with no formal sub-committees. Motion passed with three dissenting votes.

- VII. Co-Chair DeCesare asked for input on plans for meetings and hearings. What should be considered a quorum? Professor Dunlap suggested a simple majority of 9 voting members present to constitute a quorum. Senator Coleman made a motion that a quorum of the Task Force is constituted when 9 voting members are present at a meeting which was seconded by Senator Fasano and unanimously passed. Re: Public Hearings, members Atty. Susan Storey and Sen. Fasano stressed the need for public hearings. Discussion followed. Motion made by Professor Dunlap, the task force have at least two public hearings separate from the regularly scheduled task force meetings, Brian Koonz amended the motion to specify off-site public hearings, Klarn Deplama amended the motion, the task force shall have at least two public hearings separate from the regularly scheduled task force meetings to be held at a location to be determined within the discretion of the taskforce; which was seconded by Andrew Woods and passed unanimously.

Re: date and location of the outside the building public hearings, Co-Chair DeCesare asked the task force to consider dates and locations for public hearings and it will be discussed as an agenda item next meeting. Professor Dunlap suggested as a legal matter, the task force explicitly not have a quorum requirement for public hearings, lack of a quorum at a public hearing should not nullify the public hearing. Jim Smith made the motion; public hearings do not require a quorum of voting members present, seconded by Jodie Mozdzer-Gil. Co-Chair DeCesare asked for further discussion, Garvin Ambrose, suggested that every member of the task force should be present for public hearings. Members agreed that effort should be made, by all, to be present at public hearings. Co-Chair DeCesare urged members of the task force to be present at public hearing(s). The motion previously stated by Jim Smith was seconded and passed unanimously.

- VIII. Discussion of prioritization of missions. Mission – PA 13-311, Sections 1, 2, 3, and 4, “minor” defined as individual under the age of 18 years. Co-Chair DeCesare asked a question to the task force as to whether anyone believed the task force has jurisdiction over matters federal as stated in Section 2 (NEW) (27) of the enabling legislation. Discussion followed re: language of legislation and terms as defined by statute.

Jim Smith expressed concern that the legislation was done secretly and that majority of the Taskforce is on the side of privacy and secrecy, causing problems for those who lean to the FOIA side.

Sen. Fasano responded by giving a brief history of the legislative response, which was due to a request of the pictures from the Sandy Hook incident and all of the reports involved to do an exploitive media piece which seemed innappropriate to the legislature. It was not the wishes of the legislature to act in secret or to not have a public hearing, but due to the immediate nature of the request, prompt legislative action was necessary. The impetus of the Task Force on Victim Privacy and the Public’s Right to Know was to bring together individuals with different backgrounds and opinions to examine the legislative response and receive feedback. Sen. Fasano further expressed the intent of the legislature to bring the

recommendations of the task force to a public hearing when the next legislative session begins.

Co-Chair DeCesare asked members of the task force to comment on Section 3 of the enabling legislation regarding emergency 9-1-1 calls. Sen. Fasano explained the intent of the section which was to allow calls from the general public to be released under a FOI request, while exempting calls from first responders detailing a crime scene. Attorney Antoinette Webster from the Department of Emergency Services and Public Protection further clarified the intent of the legislation which allows the disclosure of the recording of the 9-1-1 call into the dispatcher and the response from the dispatcher, the exemption under the legislation pertain to 9-1-1 calls which describe the state of victims at the scene. Co-Chair DeCesare suggested other areas of Section 3 which require further clarification; calls from the public to 9-1-1 dispatchers describing victims and the policy in which local law enforcement agencies determine exemptions. Susan Storey expressed concern in exempting the conversations between an officer first arriving at a scene and the dispatcher.

Co-Chair DeCesare read Section 4 and asked members of the task force to comment on the mission of the task force specifically and generally. Co-Chair DeCesare highlighted the use of the term victim privacy in Section 4 and compared that to homicide victim privacy and the balance of the public's right to know. Jim Smith cautioned the task force from defining victim privacy to include any crime committed. Rep. Carter said the intent was referring to graphic images of a crime. Andrew Woods voiced concern re: retired Law Enforcement personnel sharing photos of past crimes with the public. Garvin Ambrose suggested the mission of the task force be limited to violent crimes.

Co-Chair DeCesare gave the example of Amber Alerts, in which a law enforcement agency releases a picture of the victim to help an investigation. Commissioner Bradford responded and described the pictures released as not graphic in nature.

Co-Chair DeCesare speculated as to the authority of the task force regarding control over private cell phones. Jim Smith concluded that the task force needs to be careful about trying to sanitize what goes on in our world.

- IX. Jodie Mozdzer-Gil opened the discussion re: change of dates and times of meetings. Co-Chair DeCesare and Co-Chair Arce, decided to remain on Wednesdays every two weeks at 11:00 am. The next meeting will be held on Wednesday, September 4, 2013 at 11:00, Legislative Office Building, room to be determined.
- X. Jim Smith, motion to adjourn and seconded by Co-Chair Arce, meeting adjourned at 1:20 pm.

Barbara Gordon
Assistant Clerk

Ken Neal
Clerk