

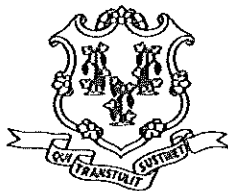
The Connecticut General Assembly

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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Wednesday, September 18, 2013, 11:00 am, Legislative Office Building, Room 1C Meeting of:

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

Members Present: Representative Arce, Co-Chair, Don DeCesare, Co-Chair, Garvin G. Ambrose, Reuben F. Bradford, Senator Eric D. Coleman, William V. Dunlap, Senator Leonard A. Fasano, Representative Debra Lee Hovey, Kevin T. Kane, Jillian Knox, Brian Koonz, Jodie Mozdzer-Gil, Colleen Murphy, James H. Smith, Deborah D. Sullivan (*substitute for Chief Public Defender Susan O. Storey*), Antoinette Webster (*associate of Commissioner Reuben F. Bradford*), Andrew Woods

Members Absent: Klarm DePalma, Susan O. Storey

Meeting called to order at 11:08 am by co-chair Don DeCesare. Co-chair gave instructions in the event of emergency or lock down. Co-Chair DeCesare declared a quorum present.

Minutes of previous meeting of September 4, 2013 reviewed:

Corrections: Jim Smith praised minutes. On page 2 should read: law enforcement does release information on inactive cases.

Last paragraph on page 2 should read Atty. Hakima Bey-Coon spoke generally about concern and additionally shared information about parents.

Page 2 Re: Atty. Webster's comment should read \$16.00 for search fee, delete information.

Fourth paragraph on page 2 should read "most of CT laws are not bound by any precedent.

Page 1 Mary Schwind testimony should read agency has "no duty" to answer questions and/or perform research. Clerk read back corrections. Jim Smith moved to adopt minutes as corrected, second by Kevin Kane, unanimously approved.

Co-Chair DeCesare stated it has been a privilege to get to know members of Task Force, a special thank you to Co-Chair Rep. Angel Arce. Mr. DeCesare and Rep. Arce reviewed presentations from last meeting.

- I. Rep. Arce has requested time to relate his personal story to the Task Force members. Rep. Arce spoke with deep emotion about his father's tragic accident on Park Street in Hartford where he was struck by a hit and run driver and gravely injured while bystanders did nothing to assist him. Rep. Arce related how cold hearted reporters were,

as they repeatedly showed video of the tragedy with no regard for the feeling of the family members. Rep. Arce said he does not want to see Sandy Hook families or other families of victims relive their tragedies through repeated media. He is proud of his colleagues who voted for legislation to protect families.

He further stated, as tragic as his father's death was, it cannot be compared with the losses in Newtown. His father lived to see children, grandchildren and great-grandchildren, unlike the children who had just began their lives.

Rep. Arce showed the very graphic video of his father's tragedy, he stated the family was not warned that the terrible photo would appear in the Hartford Courant, in fact, reporters even tried to get him out of the church service he was attending. He showed letters written by students at the Betance School to his father in the hospital. It was clear that the children had viewed and were very upset by the videos they had seen. When Rep. Arce visited the students to thank them for their letters many were crying and visibly upset by what they had seen on social media. Sandy Hook surviving children should not be exposed to photos of their classmates who were killed.

He spoke about the toll on his own family members. There are rights regarding FOI, but victims' families should have rights as well. He urged committee members to come up with solutions to prevent putting families through what his family suffered. Victim's advocates have been very helpful with counseling, 4 years after his father's death, he vowed to continue to fight to protect the privacy of families, only a cruel person would show photos to aid ratings and sell newspapers. It is too late to protect the Arce family, but not too late to protect the Sandy Hook families. If photos are ever published, the legislature will need to look for mental health funding for victim's families. Many children will be affected. He hopes the Task Force will do the right thing.

Members were visibly moved by Rep. Arce's moving presentation for which Co-chair DeCesare thanked him.

Co-Chair DeCesare called for a recess after Rep. Arce's presentation at 11:55 am. The meeting reconvened at 12:10 pm.

II. Presentation by Terrance Adams and Michele Kirby of the Office of Legislative Research and Shannon McCarthy, Attorney from the Legislative Commissioners office.

Discussion regarding definition of crime victims, and related rights: disclosure of certain records; various laws and CT Statutes, audio recordings, law enforcement records and autopsy reports within CT.

Courts have upheld view at time that deceased have no privacy rights. Discussion of Vince Foster case of 1993, where a private citizen requested crime scene photos and government denied request. Right to privacy recognized, federal law broader than state law, although there is similarities. Also referred to various laws in other states; Florida,

Georgia, North Dakota and California, many varied court decisions, many a result of Columbine.

Questions and comments from Rep. Hovey who asked how long it takes before something is known as a settled law. Atty. McCarthy responded it can take an unlimited amount of time. Also mentioned it is difficult to define "jurisdiction". Courts are being influenced by the effect of social media.

Sen. Fasano praised the presenters and asked if there is a trend developing towards protecting information coming out more heinous crimes. Attorney Adams said there is not necessarily a trend, but privacy has been recently recognized more frequently.

Jim Smith suggested that the Vince Foster case might have been handled differently had it been a crime rather than a suicide.

Discussion by members Ambrose, Koonz and Mozder-Gil regarding several privacy issues.

Attorney Adams said law enforcement may now go after shooter immediately without having to wait for SWAT team.

Chair DeCesare asked for further definition of "minor". Statute refers to age 18, but could there be other provisions. OLR will check further and report at next meeting.

III. Chair announced the following Public Hearings:

Tuesday, October 1, 2013 in Hartford, 6-8 PM, 2550 Main Street, 1st floor. Commercial building next to Phillips Metropolitan Church.

Wednesday, October 9, 2013, 6-8 PM - City Council Chambers, Bridgeport.

October 16, 2013 public officials will be invited with other organizations to participate in a public hearing prior to the regular meeting of the Task Force, this will conclude public hearings. Regular hearing rules will prevail slightly modified, with a 3 minute limit on oral testimony. Written testimony may also be submitted.

IV. Discussion of PA 13-311, with emphasis on definition of "minor" postponed until next meeting.

V. New Business: Jim Smith spoke of graphic video of gassing in Syria released by White House and of the commentary by the N.Y. Times.

VI. Meeting adjourned by motion of Rep. Hovey; seconded by Mr. Kane at 1:24