

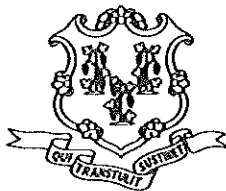
The Connecticut General Assembly

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, October 2, 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, Klarm DePalma, William V. Dunlap, Senator Leonard A. Fasano, Kevin T. Kane, Jillian Knox, Brian Koonz, Jodie Mozdzer-Gil, Colleen Murphy, James H. Smith, Susan O. Storey, Antoinette Webster (*associate of Commissioner Reuben F. Bradford*),

Members Absent: Andrew Woods, Representative Debra Lee Hovey

- I. Co-Chair Arce convened meeting at 11:05 am. Thanked everyone who attended previous night's public hearing in Hartford.

Rep. Arce tuned meeting over to Co-chair DeCesare who welcomed members, thanked them for their attendance at previous night's hearing. Co-chair gave group safety instructions relating to possible emergencies such as fire and lock-down.

Co-chair thanked Office of Legislative Research for its report re: Minors and Town Clerk obligations. Members received copies of reports.

- II. Discussion of PA 13-311 Section 1 (insertion of FOI Statute re: identity of minor witnesses). Questioned source of insertion. Discussion followed re: meaning of word "minor". Atty. Murphy said she presumed it was referring to signed statements. Statements are given to law enforcement, but are not required by FOIA to be disclosed. Statute is meant to protect identification of minor witnesses.

Atty. Storey questions what would occur if witness is no longer a minor years later when FOIA is requested.

Atty. Webster responded that everything but i.d. of witness would be available.

Further discussion re: exemption. Jim Smith questioned whether exemption would apply if a witness were not in danger?

Sen. Fasano explained that language was put in at request of legislators who were concerned because of the case in Bridgeport of a mother and young child who were murdered because the child had been a witness. Mr. Smith said protection should go to anyone who could be in danger. This is covered by law already.

Mr. Smith also noted that children are quoted in newspapers and television every day. Atty. Webster responded that this is not the same as a minor who is witness to a crime. Sen. Fasano pointed out that minors cannot protect themselves from retribution.

Mr. DeCesare reminded members that the Task Force has only the power to persuade the legislature, there is no certainty that the legislature will agree with Task Force.

Mr. Smith spoke of Washington Middle School in Meriden, a troubled school about which his newspaper reported on and received a positive response, changing the image of the school via interviews with students.

Sen. Fasano suggested that perhaps a waiver is a desirable way to allow release of names of minors.

Chair-chair DeCesare reminded group that issue is about official reports, not newspaper coverage.

Atty. Kane reminded members that the children at Sandy Hook were victims not just witnesses.

Atty. Storey states that a defense lawyer should be able to request information through FOIA to assist in a case.

Atty. Kane stated that 40% of homicides do not result in an arrest.

Sen. Fasano questioned when dealing with a minor making a statement, do we want to protect his or her identification? Legislators felt it was important to protect that minor, not only from physical harm, but from being socially ostracized by his peers because of his testimony.

Atty. Storey offered that kids don't always tell the truth for various reasons.

Further discussion re: minor being defined as under the age of 18.

Court can require state to disclose names of witnesses. There are remedies for defense attorneys to obtain information according to Atty. Kane

Task Force is concerned with issue of public's right to know, not attorney's interest. Atty. Kane further stated that if people being accused are juveniles, they are already protected by law, no information can be disclosed.

Atty. Webster said there is a difference between juvenile offenders and witnesses who are minors.

Atty. Ambrose then called the question as to whether or not to keep the line re: "minor" in (See attached for subsequent discussion and amendments to motion)

Atty. Kane suggested group might be going into an area not applicable to the Task Force. Rights of defense attorneys are much broader than those of the public. Laws go way beyond FOIA laws. Perhaps Task Force should not be getting into this.

Atty. Storey disagreed; defense attorneys cannot always depend on information from prosecutors.

After further discussion, Atty. Ambrose agreed to table his motion for further study; motion to table; seconded by Sen. Fasano; passed unanimously. Clerk will provide members with a single sheet reviewing motions and amendments for discussion at October 16th meeting.

- III. No new business. Public Hearing will be held on Wednesday October 9, 2013 in the Council Chamber at City Hall, Bridgeport, at 6:00 PM. Co-chair DeCesare expressed appreciation to Task Force members for their attendance at the Public Hearing of the previous night in Hartford.
- IV. Jim Smith clarified the difference between CT Commission on FOIA, which is an advocacy group, and CT Foundation for Open Government which is an educational group.
- V. Co-chair asked for motion to approve minutes of previous meeting of September 18, 2013. Motion made by Jim Smith; seconded by Sen. Fasano; motion approved.
- VI. Motion to adjourn by Rep. Arce; seconded by Mr. DePalma; motion passed. Meeting adjourned at 12:30 p.m.

Barbara Gordon
Clerk

Ken Neal
Administrator