

Public Hearing – 10/9/13

- My name is Dean Pinto and I'm from Newtown CT. I'm here on behalf of my 6 year old son Jack who was killed on December 14 at Sandy Hook Elementary School ("SHS") along with 19 of his first grade classmates and 6 teachers.
- I'm speaking today to urge this Task Force to recommend to the General Assembly that the protections offered to victims of homicide under current Connecticut law remain intact and be bolstered by additional recognition of the rights and dignity of victims of violent crimes and their surviving families.
- The horrific murders that occurred on December 14 served as a wake up call to our State and our Nation. While our Freedom of Information ("FOI") laws may have been adequate in a world where only the mainstream media disseminated information; that is simply no longer the case. In the past we could count on the discretion and ethics of the news media to ensure that graphic and hurtful materials were not widely spread with no legitimate public purpose, but today, anyone with a computer can have a broader audience than your local newspaper and decency and discretion seem to be unrecognizable concepts that can no longer be counted on in even the most tragic of circumstances.
- We know that if graphic images and audio recordings of the events of December 14 are released to the public they will be used to harass and further victimize the surviving children and teachers who witnessed their friends being killed and the families of those who lost their lives. That may seem shocking given the heart wrenching nature of what occurred that day, but a simple internet search will reveal that the harassment began within just a few hours of the first shots and continues to this day.
- Will release of graphic images of the mutilated bodies of six year olds and teachers serve to further public interests? It certainly won't, not in this case. What it will do is cause unimaginable pain to the families of those victims, the hundreds of surviving students and teachers of SHS, an entire town and perhaps our entire state. In addition, public release of those images is likely to encourage the next deranged person intent on embarking on yet another school shooting. As police reports have already revealed, the shooter at Sandy Hook was obsessed with mass shootings and photos of dead bodies were found in his home.
- Ironically, had the man who murdered my son been just a few years younger and lived, none of the information about that day would ever have been made public. Does it make sense that our FOI laws should provide greater protection to the perpetrators of violence than its youngest victims? We

failed to protect those children and teachers in life, should our laws fail to protect them after death?

- We all agree that open access to government records is essential to the public's right to hold the government accountable, but there has to be a balancing. There are times where personal privacy outweighs the public's interest. You can't request my social security number from the Department of Revenue Services even though it's contained in government records, arrest records of juveniles are sealed and the identities of victims of sexual assault are protected, even though such information is in the possession of the government. What right do you or anyone else have to see my son's body or hear his last moments, just because such information is in a government file cabinet.
- Privacy, decency and discretion can be sensibly applied to private information contained in government records while still maintaining an open government.
- In the end this issue is not just about Newtown. It's about all victims of homicide no matter where they live in our state. For too long, those victims and their families have been ignored and sadly it took the events of December 14 to finally give them a voice.
- The legitimate right of the public to hold the government accountable can still be preserved while also protecting victims. In cases where an accused is on trial for murder, crime scene photos and other evidence will always be available to use in that person's defense and our judicial system will bring misdeeds to the public light. In other cases, courts have the freedom under our current laws to determine, on a case by case basis, that release of materials is not an unwarranted invasion of privacy.
- Our FOI laws must recognize that our world has changed and must adapt to the times, and a categorical approach to freedom of information should give way to a balancing test where issues of privacy are concerned. Thank you.