



330 Main St., First Floor
Hartford, CT 06013
860-523-9146
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Public Hearing Testimony for the Task Force on Victim Privacy and the Public's Right to Know

Good morning Representative Arce, Mr. DeCesare and members of the Task Force on Victim Privacy and the Public's Right to Know. My name is David McGuire. I'm the staff attorney for the American Civil Liberties Union of Connecticut.

We are mindful of the terrible tragedy in Newtown last December, the tremendous pain it has caused in our state and the pain suffered by all victims of crime and their families. We must find a way to help the families shoulder this painful burden without weakening the government's responsibility to operate openly and transparently.

The American Civil Liberties Union of Connecticut, as an affiliate of the national ACLU, works to protect the constitutional rights of individuals in Connecticut against government infringement, interference and abuse. We're a watchdog, and often we watch the police. Law enforcement wields extraordinary power in our society, the power to detain, arrest and even to use deadly force. The police use this power to protect us; it's necessary for our safety and security. But when the police are permitted to operate in secret, the legitimacy of government itself is called into question and we all become less safe. Without transparency, we have secret police. And without accountability, we have a police state. This is why we're concerned about attempts to hide the actions of the police, even with the best of intentions.

We've often heard during this long debate that there is no public interest in the kind of information this task force has considered exempting from Freedom of Information laws. Who needs to see a death certificate, know the details of a police response or learn the names of victims or suspects in an investigation? Let me supply some examples.

We'd been hearing from people concerned about the police use of Tasers, so last year we set out to investigate cases of people in Connecticut who died after being Tasered by police. To gather this information, we relied on police reports and media accounts that were based on police reports. And to analyze the data we needed death certificates that told us the name, age and race of each person who died, along with the cause of death. Despite Connecticut's Freedom of Information law, collecting these details was not always easy. One city refused to allow us to inspect a death certificate or to provide a

standard copy but insisted we buy a certified copy for \$20. One municipal employee tried to cover the information about race on a death certificate with her hand, telling our intern "that's not relevant."

But it was very relevant. We found that of the 11 people who died after being Tasered in Connecticut, eight were African American or Latino. This racial disparity is a matter of great public concern. We hope the information we uncovered will bring attention to this issue and help us find a way to eliminate the disproportionate use of use Tasers on people of color.

We're now investigating the practices of a municipal police department, comparing use-of-force reports to incident reports. We are finding discrepancies that would be impossible to detect without the details in these reports, including the names of suspects and victims. With these details, we've been able to reach out to the people involved to check facts. Hiding this information would not protect these individuals, or the public at large, but it would certainly obscure police misconduct.

Every day reporters, government watchdogs and individual citizens use Freedom of Information requests to learn how government agencies and officials are carrying out their work, enforcing the law and spending taxpayers' money. This information can't be obtained in any other way, and it is crucial to government accountability, which is in turn crucial to democracy.

We truly appreciate the time and thought the task force has devoted to this important issue, and we urge you to make recommendations that will preserve meaningful government transparency.