



October 16, 2013

**Testimony of Chris VanDeHoef, on behalf of the Connecticut Daily Newspaper Association, on Victim Privacy and the Public's Right to Know**

Co-Chairman Arce, Co-Chairman DeCesare and Members of the Task Force on Victim Privacy and the Public's Right to Know:

My name is Chris VanDeHoef and I am the Executive Director of the Connecticut Daily Newspaper Association (CDNA), which is comprised of the 17 daily newspapers throughout Connecticut. I would like to thank the Task Force for the opportunity to testify before you today on Public Act 13-311 and finding a balance between victim privacy under the Freedom of Information Act (FOIA) and the public's right to know.

Let me start by acknowledging the pain, suffering and tremendous loss that is, and has been, felt by the families of victims of the Sandy Hook shootings, Rep. Arce and the loss of his father, and anyone who has experienced the loss of a loved one through senseless violence and a disregard for life. You all have my sincerest sympathies.

The American Society of Newspaper Editors Ethics Code states, "...that Journalists should respect the rights of people involved in news, observe the common standards of decency and stand accountable to the public for the fairness and accuracy of news reports...the primary purpose of gathering and distributing news and opinion is to serve the general welfare by informing the people and enabling them to make judgments on the issues of the time." While there are certainly bad apples in every bunch, it is my hope that regarding any FOIA request from the media on any issue, it is with this code in mind. I believe it is certainly with this code in mind that rarely, if ever, has a newspaper published a photo of a homicide victim that it obtained from FOIA.

In Chairman Arce's father's case the video was released from the Hartford Police Department to local media outlets in an effort to gain information about the assailant.

The repeated showing of crime scene photographs, or videos of an awful nature, would not cease by changing the FOIA laws in this state. Whether one would agree with these photos and videos being available in perpetuity does not diminish that their publication is allowable under the First Amendment, not FOIA.

What sparked PA 13-311 to be passed, and this task force to be formed, is the tragic events of December 14, 2012 at Sandy Hook Elementary School. It is no secret that the families of the victims of that day want the memory of their loved ones to be that of respect, decency and dignity. I would expect nothing less from my own family. It is important to remember, that regardless of whether or not crime scene photos are released, or 9-1-1 recordings are heard, the story about the tragic events of that day, and other days like it, will always be written, or aired on television. It is seen every year on September 11<sup>th</sup>

when the names of those who died that day are read aloud and printed in papers across the globe. Changing FOIA will not change or stop the media's coverage of these types of events.

What changing FOIA will do is prevent the public from learning how our first responders handled that call, and other calls that follow it. How a mentally deranged kid had access to the weapons he did, and why his intentions were what they were. How the teachers, and administrators, reacted once the intruder was in the school. All of this information, as horrific as some of it certainly is, can be helpful in determining what we can do as a society to make ourselves safer, that those who protect us respond appropriately and how to prevent this type of event from happening again.

The public is served by knowing how first responders respond to 9-1-1 calls. As you are aware, there are countless cases, since its inception, of 9-1-1 audio or transcripts that show that first responders reacted incorrectly, inappropriately, or not at all.

These types of events, again, are painfully tragic, but must be reported to the fullest extent possible so the public can form opinions that shape how our society reacts and responds to them.

A perfect example is a case that is currently being brought forward in Savannah, GA. What police had ruled as the accidental death of 17 year old Kendrick Johnson has now turned into a federal investigation. CNN gained access to the autopsy report which ruled that Mr. Johnson died of positional asphyxia after falling, upside down, into a rolled up gym mat. What neither the police, nor that autopsy report, reported was that Mr. Johnson had severe blunt force trauma to his head and neck. That his skull had been caved in prior to ending up in the mat. This was discovered upon the release of the autopsy report to CNN when an FBI expert reviewed the photographs and made the determination that there was foul play. The case has been re-opened and the body recently exhumed to discover that not only had the coroner's office not accurately reported the cause of death but during the chain of custody of the body had removed all of the internal organs and stuffed it with newspaper.

None of this would have been discovered without the release of the report that contained the crime scene photographs and the autopsy report of the body. Simply determining that information shouldn't be available to the public because of its upsetting nature is not in the best interest of an informed society's right to know what those who are elected or charged with protecting it are doing.

I wonder if this task force believes that Mr. Johnson's rights were compromised by releasing the crime scene photos and the autopsy report that might lead to justice on his behalf or were his rights compromised when he was seemingly murdered and later stuffed with newspaper?

Closing access to information by shutting down FOIA will not succeed in sparing families the difficulty of reliving the tragedies that have deeply impacted their lives. Closing FOIA will simply provide a thick veil for those seeking to cover their tracks from a public that otherwise might like to pry into unacceptable or reprehensible behavior in an effort to hold those in power accountable.

Sincerely,

Chris VanDeHoef  
Executive Director  
Connecticut Daily Newspapers Association