

Testimony of Michelle S. Cruz:

I began the quest for seeking limitations on FOI as it pertains to crime victims, during the fall and winter of 2010 as Connecticut's State Victim advocate. I sought to grant crime victims a right to privacy through the FOI process. The need stemmed out of several incidents involving crime victims whose private information and/or sensitive information was being released through the FOI process, with little or no consideration of the victim and their family. Autopsy photographs were being sought for the mere reason that those photos were held in a municipal police department filing cabinet, rather than the Medical Examiner's filing cabinet. Prisoners were using FOI to obtain indecent photographs that were confiscated by Department of Correction's staff. And a recording of the last moments of a young crime victim's life were being sought despite the anguish and heartbreak it was causing the family. As a result, as the State Victim Advocate, I proposed a balancing test that was later transformed to a flat out exception for crime victims in regards to FOI requests, similar to others who are exempt from FOI. The gist of my argument at the time was misinterpreted by the media. The legislation never really gained feet. Suffice it to say the idea was that the crime victim, with State Constitutional rights including the right to be treated with fairness and respect, should be protected from unnecessarily and harmful release of private or sensitive information such as crime scene photos, videos, financial records, 911 tapes, etc....

The victim of crime was not the original target of FOI process. Rather the target was the government and corruption. Think Watergate. Somehow over the years in CT, with the nation's most powerful FOI Commission with binding authority, this process has turned on the innocent crime victim and their family causing irreparable harm to countless victims. Thus the time has finally come and there is a sincere attempt to remedy the problems with FOI to protect the crime victim. I applaud you for leading the charge.

Lastly, when crafting this legislation, I know you will be sensitive to the needs of victims, but also remember that sometimes the crime victim or the victims' family will be the one making an FOI request to solve a cold case or gain information about a missing person. I would not want the unintended consequence of shutting the door to access valuable information to those who have been harmed. Rather, I would propose that we have a heavy arm when it comes to protecting victims from revictimization through the FOI process. Thus if there is to be a restriction on FOI when it comes to crime victims, it should be in the form of an exemption that allows for release of vital information upon a showing of a valid need in the interest of the public's right to know. Often times the crime victim has nowhere to turn by the FOI process to uncover corruption or malfeasance by the government. We don't want to blindly close that door either.

I thank you for the opportunity to provide this testimony and I am available if you have any questions about my testimony.

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