



State of Connecticut

DIVISION OF PUBLIC DEFENDER SERVICES

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**Testimony of the Office of Chief Public Defender
Evan Parzych, Assistant Public Defender,
Connecticut Innocence Project/Post-Conviction Unit**

PUBLIC SAFETY AND SECURITY - FEBRUARY 29, 2024

Raised S.B. No. 234

AN ACT EXEMPTING CERTAIN LAW ENFORCEMENT RECORDS FROM DISCLOSURE UNDER THE FREEDOM OF INFORMATION ACT

The Office of Chief Public Defender (OCPD) is opposed to the proposed change to *Section 1 of Raised Bill 234, An Act Exempting Certain Law Enforcement Records from Disclosure Under the Freedom of Information Act.*¹ Current law provides that “signed statements of witnesses” are exempt from disclosure under the Freedom of Information (FOI) statutes, under certain circumstances. The proposal in Section 1 of this bill deletes the word “signed” to amend subdivision (3) of subsection (b) of C.G.S. 1-210, *Access to public records. Exempt records*, thereby exempting *any* statement of a witness from disclosure under FOI.

Law enforcement agencies already have significant discretion in determining which public records are exempt under the Freedom of Information Act. Broadening this discretion to include witness statements generally, rather than only signed statements, will undoubtedly result in less transparency while serving no legitimate public safety goal. Agencies could determine “statements of witnesses” to be present in nearly every public record related to a given criminal case. This will not further the Freedom of Information Act’s “general policy of openness.” *Lewin v. Freedom of Info. Comm’n*, 91 Conn. App. 521, 526 (2005). In fact, section (C) of subdivision (3) already hampers the right to access public records for no legitimate reason,

¹ This office takes no position on the proposed amendment to Section 2 of this bill.

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exempting "signed" statements of witnesses. Rather than expanding the exemption in the subsection as proposed, the Committee may wish to consider deleting this exemption entirely.

In conclusion, this office requests that no action be taken on Section 1 of this bill. Thank you.